



# Sexual Offences Act 1956

1956 CHAPTER 69 4 and 5 Eliz 2

## PART I

OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

*Powers and procedure for dealing with offenders*

### 37 Prosecution and punishment of offences.

- (1) The Second Schedule to this Act shall have effect, subject to and in accordance with the following provisions of this section, with respect to the prosecution and punishment of the offences listed in the first column of the Schedule, being the offences under this Act and attempts to commit certain of those offences.
- (2) The second column in the Schedule shows, for any offence, if it may be prosecuted on indictment or summarily, or either, . . . <sup>F1</sup> and what special restrictions (if any) there are on the commencement of a prosecution.
- (3) The third column in the Schedule shows, for any offence, the punishments which may be imposed on conviction on indictment or on summary conviction, a reference to a period giving the maximum term of imprisonment and a reference to a sum of money the maximum fine.
- (4) The fourth column in the Schedule contains provisions which are either supplementary to those in the second or third column or enable a person charged on indictment with the offence specified in the first column to be found guilty of another offence if the jury are not satisfied that he is guilty of the offence charged or of an attempt to commit it, but are satisfied that he is guilty of the other offence.
- (5) A provision in the fourth column of the Schedule enabling the jury to find the accused guilty of an offence specified in that provision authorises them, if not satisfied that he is guilty of the offence so specified, to find him guilty of any other offence of which they could find him guilty if he had been indicted for the offence so specified.

*Changes to legislation: There are currently no known outstanding effects for the Sexual Offences Act 1956, Cross Heading: Powers and procedure for dealing with offenders. (See end of Document for details)*

- (6) Where in the Schedule there is used a phrase descriptive of an offence or group of offences followed by a reference to a section by its number only, the reference is to a section of this Act, and the phrase shall be taken as referring to any offence under the section mentioned.
- (7) Nothing in this section or in the Second Schedule to this Act shall exclude the application to any of the offences referred to in the first column of the Schedule—
  - (a) [<sup>F2</sup>of [<sup>F3</sup>section 24 of the Magistrates’ Courts Act 1980] (which relates] to the summary trial of young offenders for indictable offences); or
  - (b) of [<sup>F4</sup>subsection (5) of section 121 of the Magistrates’ Courts Act 1980] (which limits the punishment which may be imposed by a magistrates’ court sitting in an occasional courthouse); or
  - (c) of any enactment or rule of law restricting a court’s power to imprison; or
  - (d) of any enactment or rule of law authorising an offender to be dealt with in a way not authorised by the enactments specially relating to his offence; or
  - (e) of any enactment or rule of law authorising a jury to find a person guilty of an offence other than that with which he is charged.

**Textual Amendments**

**F1** Words repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**

**F2** Words substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 5 para. 27**

**F3** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 7 para. 17(a)**

**F4** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 7 para. 17(b)**

<sup>F5</sup>**38** .....

**Textual Amendments**

**F5** S. 38 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(7), **Sch. 12 para. 15**, **Sch.15** (with Sch. 14 paras. 1(1) and 27(4)); S.I. 1991/828, **art. 3(2)**

**39** ..... <sup>F6</sup>

**Textual Amendments**

**F6** Ss. 12(2)(3), 15(4)(5), 16(2)(3), 39, repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), **Sch. 7 Pt. V**

**Changes to legislation:**

There are currently no known outstanding effects for the Sexual Offences Act 1956, Cross  
Heading: Powers and procedure for dealing with offenders.