Mental Health Act 1959

1959 CHAPTER 72

PART IX

MISCELLANEOUS AND GENERAL

Offences

127 Amendment of Sexual Offences Act, 1956

(1) The Sexual Offences Act, 1956, shall be amended as follows:—

(a) for section seven there shall be substituted the following section:—

"**7 Intercourse with defective.**

(1) It is an offence, subject to the exception mentioned in this section, for a man to have unlawful sexual intercourse with a woman who is a defective.

(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective.";

(b) for section forty-five there shall be substituted the following section:—

"**45 Meaning of ' defective '.**

In this Act defective means a person suffering from severe subnormality within the meaning of the Mental Health Act, 1959.";

and section eight of that Act shall cease to have effect.

(2) An order under section thirty-eight of the said Act made on conviction of an offence against a girl under the age of twenty-one who is a defective within the meaning of that Act may, so far as it has effect for any of the purposes of this Act, be rescinded under that section either before or after the girl has attained that age.