



Indecency with Children Act 1960

1960 CHAPTER 33

1 Indecent conduct towards young child.

- (1) Any person who commits an act of gross indecency with or towards a child under the age of fourteen, or who incites a child under that age to such an act with him or another, shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding six months, to a fine not exceeding one hundred pounds, or to both.
- (2) On a charge of an offence under this section, the wife or husband of the accused shall be competent to give evidence at every stage of the proceedings, whether for the defence or for the prosecution, and whether the accused is charged solely or jointly with any other person:
Provided that—
 - (a) the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused; and
 - (b) the failure of the wife or husband of the accused to give evidence shall not be made the subject of any comment by the prosecution. This subsection shall not affect section one of the Criminal Evidence Act, 1898, or any case where the wife or husband of the accused may at common law be called as a witness without the consent of the accused.
- (3) References in the Children and Young Persons Act, 1933, except in section fifteen (which relates to the competence as a witness of the wife or husband of the accused), to the offences mentioned in the First Schedule to that Act shall include offences under this section.
- (4) Offences under this section shall be deemed to be offences against the person for the purpose of section three of the Visiting Forces Act, 1952 (which restricts the trial by United Kingdom courts of offenders connected with visiting forces).