

EXPLANATORY NOTES

SEXUAL OFFENCES ACT 2003

INTRODUCTION

BACKGROUND

SUMMARY

TERRITORIAL APPLICATION: WALES

COMMENTARY ON SECTIONS

PART 1: SEXUAL OFFENCES

Section 1: Rape

Section 2: Assault by penetration

Section 3: Sexual assault

Section 4: Causing a person to engage in sexual activity without consent

Section 5: Rape of a child under 13

Section 6: Assault of a child under 13 by penetration

Section 7: Sexual assault of a child under 13

Section 8: Causing or inciting a child under 13 to engage in sexual activity

Section 9: Sexual activity with a child

Section 10: Causing or inciting a child to engage in sexual activity

Section 11: Engaging in sexual activity in the presence of a child

Section 12: Causing a child to watch a sexual act

Section 13: Child sex offences committed by children or young persons

Section 14: Arranging or facilitating commission of a child sex offence

Section 15: Meeting a child following sexual grooming etc.

Section 16: Abuse of position of trust: sexual activity with a child

These notes refer to the Sexual Offences Act 2003 (c.42)

- Section 17: Abuse of position of trust: causing or inciting a child to engage in sexual activity
- Section 18: Abuse of position of trust: sexual activity in the presence of a child
- Section 19: Abuse of position of trust: causing a child to watch a sexual act
- Section 20: Abuse of position of trust: acts done in Scotland
- Section 21: Positions of trust
- Section 22: Positions of trust: interpretation
- Section 23: Sections 16 to 19: marriage exception
- Section 24: Sections 16 to 19: sexual relationships which pre-date position of trust
- Section 25: Sexual activity with a child family member
- Section 26: Inciting a child family member to engage in sexual activity
- Section 27: Family relationships
- Section 28: Sections 25 and 26: marriage exception
- Section 29: Sections 25 and 26: sexual relationships which pre-date family relationships
- Section 30: Sexual activity with a person with a mental disorder impeding choice
- Section 31: Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity
- Section 32: Engaging in sexual activity in the presence of a person with a mental disorder impeding choice
- Section 33: Causing a person, with a mental disorder impeding choice, to watch a sexual act
- Section 34: Inducement, threat or deception to procure sexual activity with a person with a mental disorder
- Section 35: Causing a person with a mental disorder to engage in or to agree to engage in sexual activity by inducement, threat or deception
- Section 36: Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder
- Section 37: Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception
- Section 38: Care workers: sexual activity with a person with a mental disorder
- Section 39: Care workers: causing or inciting sexual activity
- Section 40: Care workers: sexual activity in the presence of a person with a mental disorder

These notes refer to the Sexual Offences Act 2003 (c.42)

Section 41: Care workers: causing a person with a mental disorder to watch a sexual act

Section 42: Care workers: interpretation

Section 43: Sections 38 to 41: marriage exception

Section 44: Sections 38 to 41: sexual relationships which pre-date care relationships

Section 45: Indecent photographs of persons aged 16 or 17

Section 46: Criminal proceedings, investigations etc.

Section 47: Paying for sexual services of a child

Section 48: Causing or inciting child prostitution or pornography

Section 49: Controlling a child prostitute or a child involved in pornography

Section 50: Arranging or facilitating child prostitution or pornography

Section 51: Sections 48 to 50: Interpretation

Section 52: Causing or inciting prostitution for gain

Section 53: Controlling prostitution for gain

Section 54: Sections 52 and 53: interpretation

Section 55: Penalties for keeping a brothel used for prostitution

Section 56: Extension of gender-specific prostitution offences

Section 57: Trafficking into the UK for sexual exploitation

Section 58: Trafficking within the UK for sexual exploitation

Section 59: Trafficking out of the UK for sexual exploitation

Section 60: Sections 57 to 59: interpretation and jurisdiction

Section 61: Administering a substance with intent

Section 62: Committing an offence with intent to commit a sexual offence

Section 63: Trespass with intent to commit a sexual offence

Section 64: Sex with an adult relative: penetration

Section 65: Sex with an adult relative: consenting to penetration

Section 66: Exposure

Section 67: Voyeurism

Section 68: Voyeurism: interpretation

Section 69: Intercourse with an animal

Section 70: Sexual penetration of a corpse

Section 71: Sexual activity in a public lavatory

Section 72: Offences outside the United Kingdom

Section 73: Exceptions to aiding, abetting or counselling

Section 74: "Consent"

Section 75: Evidential presumptions about consent

Section 76: Conclusive presumptions about consent

Section 77: Sections 75 and 76: relevant acts

Section 78: "Sexual"

Section 79: General interpretation

PART 2: NOTIFICATION AND ORDERS

Section 80: Persons becoming subject to notification requirements

Section 81: Persons formerly subject to Part 1 of the Sex Offenders Act 1997

Section 82: The notification period

Section 83: Notification requirements: initial notification

Section 84: Notification requirements: changes

Section 85: Notification requirements: periodic notification

Section 86: Notification requirements: travel outside the United Kingdom

Section 87: Method of notification and related matters

Section 88: Section 87: interpretation

Section 89: Young offenders: parental directions

Section 90: Parental directions: variations, renewals and discharges

Section 91: Offences relating to notification

Section 92: Certificates for the purposes of Part 2

Section 93: Abolished homosexual offences

Section 94: Part 2: supply of information to Secretary of State etc. for verification

Section 95: Part 2: supply of information by Secretary of State etc.

Section 96: Information about release or transfer

- Section 97: Notification orders: applications and grounds
- Section 98: Notification orders: effect
- Section 99: Sections 97 and 98: relevant offences
- Section 100: Interim notification orders
- Section 101: Notification orders and interim notification orders: appeals
- Section 102: Appeals in relation to notification orders and interim notification orders: Scotland
- Section 103: Sections 97 to 100: Scotland
- Section 104: Sexual offences prevention orders: applications and grounds
- Section 105: SOPOs: further provision as respects Scotland
- Section 106: Section 104: supplemental
- Section 107: SOPOs: effect
- Section 108: SOPOs: variations, renewals and discharges
- Section 109: Interim SOPOs
- Section 110: SOPOs and interim SOPOs: appeals
- Section 111: Appeals in relation to SOPOs and interim SOPOs: Scotland
- Section 112: Sections 104 and 106 to 109: Scotland
- Section 113: Offence: breach of SOPO or interim SOPO
- Section 114: Foreign travel orders: applications and grounds
- Section 115: Section 114: interpretation
- Section 116: Section 114: qualifying offenders
- Section 117: Foreign travel orders: effect
- Section 118: Foreign travel orders: variations, renewals and discharges
- Section 119: Foreign travel orders: appeals
- Section 120: Appeals in relation to foreign travel orders: Scotland
- Section 121: Sections 114 to 118: Scotland
- Section 122: Offence: breach of foreign travel order
- Section 123: Risk of sexual harm order: applications, grounds and effects
- Section 124: Section 123: interpretation.
- Section 125: RSHOs: variations, renewals and discharges

Section 126: Interim RSHOs

Section 127: RSHOs and Interim RSHOs : appeals

Section 128: Offence: breach of RSHO or Interim RSHO

Section 129: Effect of a conviction etc. of an offence under section 128

Section 130: Power to amend Schedules 3 and 5

Section 131: Young offenders: application

Section 132: Offences with thresholds

Section 133: Part 2: General interpretation

Section 134: Conditional discharges and probation orders

Section 135: Interpretation: mentally disordered offenders

Section 136: Part 2: Northern Ireland

PART 3: GENERAL

Section 137: Service courts

Clause 141: Commencement

COMMENCEMENT

HANSARD REFERENCES