



Indecency with Children Act 1960

1960 CHAPTER 33

An Act to make further provision for the punishment of indecent conduct towards young children, and to increase the maximum sentence of imprisonment under the Sexual Offences Act, 1956, for certain existing offences against young girls. [2nd June 1960]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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).

2 Length of imprisonment for certain offences against young girls.

- (1) The maximum term of imprisonment to which a person is liable under the Sexual Offences Act, 1956, if convicted on indictment of an attempt to have unlawful sexual intercourse with a girl under the age of thirteen, or of an indecent assault on a girl who is stated in the indictment and proved to have been at the time under that age,—
 - (a) in the case of such an attempt, shall be seven years; and
 - (b) in the case of an indecent assault, shall be five years,
- (2) In the case of a person convicted of attempted incest with a girl who is stated in the indictment and proved to have been at the time under the age of thirteen the foregoing subsection shall apply as it applies in the case of a person convicted of an attempt to have unlawful sexual intercourse with a girl under that age.
- (3) Accordingly in the Second Schedule to that Act, for the words " two years " in the third column in items 2 (b), 14 (b) and 17 (i), there shall be substituted—
 - (a) in item 2 (b) the words " seven years ";
 - (b) in item 14 (b) the words " if with a girl under thirteen who is stated to have been so in the indictment, seven years; otherwise two years";
 - (c) in item 17 (i) the words " if on a girl under thirteen who is stated to have been so in the indictment, five years; otherwise two years ".
- (4) This section shall not apply to offences committed on or before the date this Act is passed.

3 Short title, extent and commencement.

- (1) This Act may be cited as the Indecency with Children Act, 1960.
- (2) This Act shall not extend to Scotland or Northern Ireland.
- (3) This Act shall come into force at the expiration of one month beginning with the date it is passed.