



# Sexual Offences (Amendment) Act 1992

## 1992 CHAPTER 34

### 2 Offences to which this Act applies.

- (1) This Act applies to the following offences [<sup>F1</sup>against the law of England and Wales—
- (aa) rape;
  - (ab) burglary with intent to rape;]
  - (a) any offence under any of the provisions of the <sup>M1</sup>Sexual Offences Act 1956 mentioned in subsection (2);
  - (b) any offence under section 128 of the <sup>M2</sup>Mental Health Act 1959 (intercourse with mentally handicapped person by hospital staff etc.);
  - (c) any offence under section 1 of the <sup>M3</sup>Indecency with Children Act 1960 (indecent conduct towards young child);
  - (d) any offence under section 54 of the <sup>M4</sup>Criminal Law Act 1977 (incitement by man of his grand-daughter, daughter or sister under the age of 16 to commit incest with him);
  - [<sup>F2</sup>(da) any offence under any of the provisions of Part 1 of the Sexual Offences Act 2003 except section 64, 65, 69 or 71;]
  - [<sup>F3</sup>(db) any offence under section 2 of the Modern Slavery Act 2015 (human trafficking);]
  - (e) any attempt to commit any of the offences mentioned in paragraphs [<sup>F4</sup>(aa)] to [<sup>F5</sup>(db)].
  - [<sup>F6</sup>(f) any conspiracy to commit any of those offences;
  - (g) any incitement of another to commit any of those offences.]
  - [<sup>F7</sup>(h) aiding, abetting, counselling or procuring the commission of any of the offences mentioned in paragraphs (aa) to (e) and (g);]
- (2) The provisions of the Act of 1956 are—
- (a) section 2 (procurement of a woman by threats);
  - (b) section 3 (procurement of a woman by false pretences);
  - (c) section 4 (administering drugs to obtain intercourse with a woman);
  - (d) section 5 (intercourse with a girl under the age of 13);
  - (e) section 6 (intercourse with a girl between the ages of 13 and 16);

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*Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1992, Section 2. (See end of Document for details)*

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- (f) section 7 (intercourse with a mentally handicapped person);
- (g) section 9 (procurement of a mentally handicapped person);
- (h) section 10 (incest by a man);
- (i) section 11 (incest by a woman);
- (j) section 12 (buggery);
- (k) section 14 (indecent assault on a woman);
- (l) section 15 (indecent assault on a man);
- (m) section 16 (assault with intent to commit buggery).
- [<sup>F8</sup>(n) section 17 (abduction of woman by force).]

[<sup>F9</sup>(3) This Act applies to the following offences against the law of Northern Ireland—

- (a) rape;
- (b) burglary with intent to rape;
- (c) any offence under any of the following provisions of the <sup>M5</sup>Offences against the Person Act 1861—
  - (i) section 52 (indecent assault on a female);
  - (ii) section 53 so far as it relates to abduction of a woman against her will;
  - (iii) section 61 (buggery);
  - (iv) section 62 (attempt to commit buggery, assault with intent to commit buggery or indecent assault on a male);
- (d) any offence under any of the following provisions of the <sup>M6</sup>Criminal Law Amendment Act 1885—
  - (i) section 3 (procuring unlawful carnal knowledge of woman by threats, false pretences or administering drugs);
  - (ii) section 4 (unlawful carnal knowledge, or attempted unlawful carnal knowledge, of a girl under 14);
  - (iii) section 5 (unlawful carnal knowledge of a girl under 17);
- (e) any offence under any of the following provisions of the <sup>M7</sup>Punishment of Incest Act 1908—
  - (i) section 1 (incest, attempted incest by males);
  - (ii) section 2 (incest by females over 16);
- (f) any offence under section 22 of the <sup>M8</sup>Children and Young Persons Act (Northern Ireland) 1968 (indecent conduct towards child);
- (g) any offence under Article 9 of the <sup>M9</sup>Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse);
- (h) any offence under any of the following provisions of the <sup>M10</sup>Mental Health (Northern Ireland) Order 1986—
  - (i) Article 122(1)(a) (unlawful sexual intercourse with a woman suffering from severe mental handicap);
  - (ii) Article 122(1)(b) (procuring a woman suffering from severe mental handicap to have unlawful sexual intercourse);
  - (iii) Article 123 (unlawful sexual intercourse by hospital staff, etc. with a person receiving treatment for mental disorder);
- [<sup>F10</sup>(hh) any offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 2003—
  - (i) Article 19 (buggery);
  - (ii) Article 20 (assault with intent to commit buggery);
  - (iii) Article 21 (indecent assault on a male);]

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- <sup>F11</sup>(ha) [ any offence under any of sections 15 to 21, 47 to 53, <sup>F12</sup>... 66, 67, 70 and 72 of the Sexual Offences Act 2003.]
- <sup>F13</sup>(hb) [ any offence under—  
(i) any provision of Part 2, 3 or 4, or  
(ii) Article 65, 66, 67, 70, 71, [<sup>F14</sup>71A, 71B, 72A] or 74, of the Sexual Offences (Northern Ireland) Order 2008;]
- <sup>F15</sup>(hc) [ any offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;]  
(i) any attempt to commit any of the offences mentioned in paragraphs (a) to [<sup>F16</sup>(hc)];  
(j) any conspiracy to commit any of those offences;  
(k) any incitement of another to commit any of those offences;  
(l) aiding, abetting, counselling or procuring the commission of any of the offences mentioned in paragraphs (a) to (i) and (k).]

[<sup>F17</sup>(4) This Act applies to an offence under section 42 of the Armed Forces Act 2006 if the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence within a paragraph of subsection (1) above.]

#### Textual Amendments

- F1** Words in s. 2(1) inserted (7.10.2004 for E.W., 7.10.2004 for S. for specified purposes, 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 8(2)** (with Sch. 7); S.S.I. 2004/408, art. 3(c); S.R. 2004/467, art. 2(c); S.I. 2004/2428, art. 2(e)
- F2** S. 2(1)(da) inserted (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 6 para. 31(2)(a)**; S.I. 2004/874, art. 2
- F3** S. 2(1)(db) inserted (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(1), **Sch. 5 para. 4(a)**; S.I. 2015/1476, reg. 2(j)
- F4** Word in s. 2(1)(e) substituted (7.10.2004 for E.W., 7.10.2004 for S. for specified purposes, 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 8(3)** (with Sch. 7); S.S.I. 2004/408, art. 3(c); S.R. 2004/467, art. 2(c); S.I. 2004/2428, art. 2(e)
- F5** Word in s. 2(1)(e) substituted (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(1), **Sch. 5 para. 4(b)**; S.I. 2015/1476, reg. 2(j)
- F6** S. 2(1)(f)(g) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 52(2)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F7** S. 2(1)(h) inserted (7.10.2004 for E.W., 7.10.2004 for S. for specified purposes, 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 8(4)** (with Sch. 7); S.S.I. 2004/408, art. 3(c); S.R. 2004/467, art. 2(c); S.I. 2004/2428, art. 2(e)
- F8** S. 2(2)(n) inserted (7.10.2004 for E.W., 7.10.2004 for S. for specified purposes, 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 8(5)** (with Sch. 7); S.S.I. 2004/408, art. 3(c); S.R. 2004/467, art. 2(c); S.I. 2004/2428, art. 2(e)
- F9** S. 2(3) inserted (7.10.2004 for E.W., 7.10.2004 for S. for specified purposes, 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 8(6)** (with Sch. 7); S.S.I. 2004/408, art. 3(c); S.R. 2004/467, art. 2(c); S.I. 2004/2428, art. 2(e)
- F10** S. 2(3)(hh) inserted (N.I.) (28.7.2003) by The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247), art. 1(3), **Sch. 1 para. 12(a)**; S.R. 2003/352, art. 2(d)
- F11** S. 2(3)(ha) inserted (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 6 para. 31(3)(a)**; S.I. 2004/874, art. 2
- F12** Words in s. 2(3)(ha) repealed (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), **Sch. 5**

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- F13** S. 2(3)(hb) inserted (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), art. 1(3), **Sch. 1 para. 22(2)(a)**; S.R. 2008/510, art. 2
- F14** Words in s. 2(3)(hb)(ii) inserted (N.I.) (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 1 para. 2**; S.R. 2023/188, art. 3(b)
- F15** S. 2(3)(hc) inserted (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), **Sch. 4 para. 4(a)**
- F16** Word in s. 2(3)(i) substituted (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), **Sch. 4 para. 4(b)**
- F17** S. 2(4) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 124**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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#### **Modifications etc. (not altering text)**

- C1** S. 2(1)(g) modified (E.W.N.I.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 20(a)** (with **Sch. 13 para. 5**); S.I. 2008/2504, art. 2(a)
- C2** S. 2(3)(k) modified (E.W.N.I.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 20(a)** (with **Sch. 13 para. 5**); S.I. 2008/2504, art. 2(a)
- C3** S. 2(4) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 32(1)**

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#### **Commencement Information**

- I1** S. 2 wholly in force at 1.8.1992 see s. 8(3) and S.I. 1992/1336, **art. 2**

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#### **Marginal Citations**

- M1** 1956 c.69.
- M2** 1959 c.72.
- M3** 1960 c.33.
- M4** 1977 c.45.
- M5** 1861 c. 100.
- M6** 1885 c. 69.
- M7** 1908 c. 45.
- M8** 1968 c. 34(N.I.)
- M9** S.I. 1980/704 (N.I. 6).
- M10** S.I. 1986/595 (N.I. 4).

**Changes to legislation:**

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