

*These notes refer to the Sexual Offences (Amendment) Act
2000 (c.44) which received Royal Assent on 30 November 2000*

SEXUAL OFFENCES (AMENDMENT) ACT 2000

EXPLANATORY NOTES

HANSARD REFERENCES

28. The following table sets out the dates and Hansard references for each stage of the Bill's passage through Parliament.

<i>Stage</i>	<i>Date</i>	<i>Hansard Reference</i>
House of Commons		
Introduction	16 December 1998	Vol.322. Col. 985
Second Reading	25 January 1999	Vol.324 . Col.20 – 113
Committee of the Whole House – consideration of clause 1 on the age of consent	10 February 1999	Vol.325 . Col.331 - 383
Standing Committee E	1 st Sitting, 2 February 1999	Col. 1 - 10
	2 nd Sitting, 4 February 1999	Col. 11 - 48
	3 rd Sitting, 4 February 1999	Col. 49 – 50
	4 th Sitting, 9 February 1999	Col. 53 - 90
	5 th Sitting, 9 February 1999	Col. 91 – 130
	6 th Sitting, 11 February 1999	Col. 131 - 172
Report and Third Reading	1 March 1999	Vol 326 Col.754 – 810
House of Lords		
Introduction	2 March 1999	Vol. 594 Col.558
Second Reading	13 April 1999	Vol. 599. Col. 647- 760
1999/2000 Session		

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<i>Stage</i>	<i>Date</i>	<i>Hansard Reference</i>
House of Commons		
Reintroduction	28 January 2000	Vol. 343. Col. 685
Debate on motion that no order be made for committal of the Bill	7 February 2000	Vol. 344. Col. 83 - 89
Second Reading	10 February 2000	Vol. 344 Col. 432 – 500
Third Reading	28 February 2000	Vol. 345 Col. 127-130
House of Lords		
Introduction	29 February 2000	Vol. 610. Col 455.
Second Reading	11 April 2000	Vol. 612. Col. 91 - 167
Committee	13 November 2000	Vol. 619. Col. 18 - 122

The Bill not having been passed by the House of Lords before the end of the session, it was, in accordance with section 2 of the Parliament Act 1911, presented for Royal Assent which was given on 30 November 2000.

House of Lords Hansard Vol 619 Col 1492

House of Commons Hansard Vol 357 Col 1231

27. Extracts from the Sexual Offences Act 1956 showing words changed by the Act

“S 12

Buggery

(1) It is [an offence] for a person to commit buggery with another person otherwise than in the circumstances described in subsection (1A) **or (1AA)** below or with an animal.

(1A) The circumstances **first** referred to in subsection (1) are that the act of buggery takes place in private and both parties have attained the age of eighteen **sixteen**.

(1AA) The other circumstances so referred to are that the person is under the age of sixteen and the other party has attained that age.

(1B) An act of buggery by one man with another shall not be treated as taking place in private if it takes place-

(a) when more than two persons take part or are present; or

(b) in a lavatory to which the public have or are permitted to have access, whether on payment or otherwise.

(1C) In any proceedings against a person for buggery with another person it shall be for the prosecutor to prove that the act of buggery took place otherwise than in private or that one of the parties to it had not attained the age of eighteen **sixteen**.

S.13

Indecency between men

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It is an offence for a man to commit an act of gross indecency with another man, **otherwise than in the circumstances described below**, whether in public or in private, or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man.

The circumstances referred to above are that the man is under the age of sixteen and the other man has attained that age.

Schedule 2, Paragraph 16

TABLE OF OFFENCES, MODE OF PROSECUTION, PUNISHMENTS, ETC

<i>Offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>
16.(a) Indecency between men (section 13)	(I) On indictment.	If a man of or over the age of twenty-one with a man under the age of eighteen sixteen , five years, otherwise two years.
	(ii) Summarily.	6 months and/or the statutory maximum.
(b) An attempt to procure the commission by a man of an act of gross indecency with another man.	(I) On indictment.	If the attempt is by a man of or over the age of twenty-one to procure a man under the age of eighteen sixteen to commit an act of gross indecency with another man, five years, otherwise two years.
	(ii) Summarily.	6 months and/or the statutory maximum.

Extracts from the Sexual Offences Act 1967 showing words changed by the Act

s. 1

Amendment of the law relating to homosexual acts in private.

(1) Notwithstanding any statutory or common law provision,

(a) a homosexual act in private shall not be an offence provided that the parties consent thereto and have attained the age of eighteen **sixteen** years **and**

(b) a homosexual act by any person shall not be an offence if he is under the age of sixteen years and the other party has attained that age.

Subsections (2) to (5) are unaffected.

(6) It is hereby declared that where in any proceedings it is charged that a homosexual act is an offence the prosecutor shall have the burden of proving that the act was done otherwise than in private or otherwise than with the consent of the parties or that any of the parties had not attained the age of eighteen **sixteen** years.

s.8

Restrictions on prosecutions

No proceedings shall be instituted except by or with the consent of the Director of Public Prosecutions against any man for the offence of buggery with, or gross

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indecenty with, another man or for aiding, abetting, counselling, procuring or commanding its commission where either of those men was at the time of its commission under the age of twenty-one **sixteen**.

Extract from section 13 of the Criminal Law (Consolidation) (Scotland) Act 1995 showing words changed by the Act

a) Homosexual Offences

(1) Subject to the provisions of this section, a homosexual act¹ in private shall not be an offence provided that the parties consent thereto and have attained the age of eighteen **sixteen** years.

subsections (2) to (4) are unaffected

(5) Subject to subsection (3) above [a male person suffering from a mental deficiency], it shall be an offence to commit or to be party to the commission of, or to procure or attempt to procure the commission of a homosexual act-

- (a) otherwise than in private;
- (b) without the consent of both parties to the act; or
- (c) with a person under the age of eighteen **sixteen** years.

subsections (6) and (7) are unaffected

(8) It shall be a defence to a charge of committing a homosexual act under subsection (5) (c) above that the person so charged being under the age of 24 years who had not previously been charged with a like offence, had reasonable cause to believe that the other person was of or over the age of 18 **16** years.

(8)(A) A person under the age of sixteen years does not commit an offence under subsection (5)(a) or (c) above if he commits or is party to the commission of a homosexual act with a person who has attained that age

subsections (9) to (11) are unaffected

Extract from Article 3 of the Homosexual Offences (Northern Ireland) Order 1982 showing words changed by the Act

b)

c) Homosexual acts in private

(1) Subject to Article 4 (mental patients) and notwithstanding any other statutory provision or any rule of law

(a) a homosexual act² in private shall not be an offence if the parties consent thereto and have attained the age of 18 **17 years and**

(b) a homosexual act by any person shall not be an offence if he is under the age of seventeen years and the other party has attained that age

c)1.

c)2. Paragraphs (2) to (4) are unaffected

1 Defined in s13(4) of the 1995 Act as sodomy or an act of gross indecency or shameless indecency by one male person with another male person

2 Defined in Article 2(1) of the 1982 Order in relation to a man as "buggery with another man, an act of gross indecency with another man or the act of being a party to the commission by a man of such an act"

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It is hereby declared that where in any proceedings it is charged that a homosexual act is an offence the prosecutor shall have the burden of proving that the act was done otherwise than in private or otherwise than with the consent of the parties or that any of the parties had not attained the age of 18 **17** years.