



Sexual Offences (Amendment) Act 2000

2000 CHAPTER 44

3 Abuse of position of trust.

- (1) Subject to subsections (2) and (3) below, it shall be an offence for a person aged 18 or over—
 - (a) to have sexual intercourse (whether vaginal or anal) with a person under that age; or
 - (b) to engage in any other sexual activity with or directed towards such a person, if (in either case) he is in a position of trust in relation to that person.
- (2) Where a person (“A”) is charged with an offence under this section of having sexual intercourse with, or engaging in any other sexual activity with or directed towards, another person (“B”), it shall be a defence for A to prove that, at the time of the intercourse or activity—
 - (a) he did not know, and could not reasonably have been expected to know, that B was under 18;
 - (b) he did not know, and could not reasonably have been expected to know, that B was a person in relation to whom he was in a position of trust; or
 - (c) he was lawfully married to B.
- (3) It shall not be an offence under this section for a person (“A”) to have sexual intercourse with, or engage in any other sexual activity with or directed towards, another person (“B”) if immediately before the commencement of this Act—
 - (a) A was in a position of trust in relation to B; and
 - (b) a sexual relationship existed between them.
- (4) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both.
- (5) In this section, “sexual activity”—

Status: Point in time view as at 11/08/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 2000, Section 3. (See end of Document for details)

- (a) does not include any activity which a reasonable person would regard as sexual only with knowledge of the intentions, motives or feelings of the parties; but
- (b) subject to that, means any activity which such a person would regard as sexual in all the circumstances.

Commencement Information

- II** S. 3 wholly in force; s. 3 not in force at Royal Assent see s. 7(3); s. 3 in force for E.W.N.I. at 8.1.2001 by S.I. 2000/3303, **art. 2**; s. 3 in force for S. by S.S.I. 2000/452, **art. 2(c)**

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