



# Sexual Offences (Amendment) Act 2000

## 2000 CHAPTER 44

### 3 Abuse of position of trust.

- [<sup>F1</sup>(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<sup>F2</sup>, or in civil partnership with,] 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 ”—

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*Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.*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)*

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- (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.]

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#### **Textual Amendments**

- F1** S. 4 repealed (E.W.N.I.) (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, Sch. 6 para. 45(4), [Sch. 7](#); [S.I. 2004/874](#), art. 2
- F2** Words in s. 3(2)(c) inserted (S.) (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 62](#); [S.S.I. 2005/604](#), arts. 2(c), 4

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#### **Commencement Information**

- I1** 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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