Sexual Offences Act 2003

CHAPTER 42

SEXUAL OFFENCES ACT 2003

PART 1
SEXUAL OFFENCES

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1 Rape

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2 Assault by penetration
3 Sexual assault

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12 Causing a child to watch a sexual act
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130 Power to amend Schedules 3 and 5

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<td>An offence under section 5 of that Act (intercourse with...</td>
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67  An offence under section 2 of the Criminal Law Amendment...
68  An offence under section 3 of that Act (procuring defilement...
69  An offence under section 4 of that Act of unlawful...
70  An offence under section 5 of that Act of unlawful...
71  An offence under section 7 of that Act (abduction of...
72  An offence under section 11 of that Act (homosexual offences)...  
73  An offence under section 1 of the Punishment of Incest...
74  An offence under section 2 of that Act (incest by...
75  An offence under section 21 of the Children and Young...
76  An offence under section 22 of that Act (incest conduct...
77  An offence under Article 3 of the Protection of Children...
78  An offence under section 170 of the Customs and Excise...
79  An offence under Article 9 of the Criminal Justice (Northern...
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81  An offence under Article 123 of that Order (offences against...
82  An offence under Article 15 of the Criminal Justice (Evidence,...
83  An offence under section 3 of the Sexual Offences (Amendment)...  
84  An offence under Article 19 of the Criminal Justice (Northern...
85  An offence under Article 20 of that Order (assault with...
86  An offence under Article 21 of that Order (indecent assault...
87  An offence under section 15 of this Act (meeting a...
88  An offence under any of sections 16 to 19 of...
89  An offence under section 47 of this Act (paying for...
89A  An offence under section 48 of this Act (causing or...
89B  An offence under section 49 of this Act (controlling a...
89C  An offence under section 50 of this Act (arranging or...
90  An offence under section 66 of this Act (exposure) if—...
91  An offence under section 67 of this Act (voyeurism) if—...
92  An offence under section 69 or 70 of this Act...
92A  An offence under section 63 of the Criminal Justice and...
92B  An offence under Article 5 or 6 of the Sexual...
92C  An offence under Article 7 of that Order (sexual assault)...  
92D  An offence under Article 8, 12 or 13 of that...
92E  An offence under Article 14 of that Order (sexual assault...
92F  An offence under any of Articles 15 to 19 of...
92G An offence under Article 20 of that Order (sexual offences... 
92H An offence under Article 21 of that Order (arranging or... 
92HA An offence under Article 22A of that Order (sexual ... 
92I An offence under Article 22 of that Order (meeting a... 
92J An offence under any of Articles 23 to 26 of... 
92K An offence under Article 32 or 33 of that Order... 
92L An offence under Article 37 (paying for sexual services of... 
92M An offence under Article 38 (causing or inciting child prostitution... 
92N An offence under Article 39 (controlling a child prostitute or... 
92O An offence under Article 40 (arranging or facilitating child prostitution... 
92P An offence under any of Articles 43 to 50 of... 
92Q An offence under any of Articles 51 to 54 of... 
92R An offence under Article 65 of that Order (administering a... 
92S An offence under Article 66 or 67 of that Order... 
92T An offence under Article 68 or 69 of that Order... 
92U An offence under Article 70 of that Order (exposure) if—... 
92V An offence under Article 71 of that Order (voyeurism) if—... 
92W An offence under Article 73 or 74 of that Order... 
92X An offence under section 62(1) of the Coroners and Justice... 
92Y An offence under section 69 of the Serious Crime Act...

Service offences

93 (1) An offence under— (a) section 70 of the Army...
93A (1) An offence under section 42 of the Armed Forces...

General

94 A reference in a preceding paragraph to an offence includes—...
94A A reference in a preceding paragraph to an offence (“offence... 
95 A reference in a preceding paragraph to a person’s age...
96 In this Schedule “community sentence” has— (a) in relation to...
97 For the purposes of paragraphs 14, 44 and 78—
98 A determination under paragraph 60 constitutes part of a person’s...

SCHEDULE 3A — Review of indefinite notification requirements

Introductory

1 (1) This Schedule applies to a person who, on or...

Initial review: applications

2 (1) Except as provided by sub-paragraph (2), an offender may,...

Initial review: determination of application

3 (1) On an application under paragraph 2 the Chief Constable...

Initial review: notice of decision

4 (1) The Chief Constable must, within 12 weeks of the...
Initial review: application to Crown Court

5 (1) Where— (a) the Chief Constable fails to comply with...

Further reviews

6 (1) Except as provided by sub-paragraph (2), where a notice...

Guidance

7 (1) The Department of Justice must issue guidance as to—...

Discharge in Great Britain

8 (1) An offender who is, under corresponding legislation, discharged from...

SCHEDULE 4 — Procedure for ending notification requirements for acts which are no longer offences

Scope of Schedule

1 This Schedule applies where a relevant offender is subject to...

Application for decision

2 (1) The relevant offender may apply to the Secretary of...

Decision by Secretary of State

3 (1) In making the decision applied for, the Secretary of...

Effect of decision

4 (1) If the Secretary of State decides that it appears...

Right of appeal

5 (1) If the Secretary of State decides that it does...

Interpretation

6 (1) In this Schedule a reference to an offence includes—...

Transitional provision

7 Until the coming into force of the repeal by this...

SCHEDULE 5 — Other offences for purposes of Part 2

England and Wales

1 Murder.
2 Manslaughter.
3 Kidnapping.
4 False imprisonment.
4A Outraging public decency.
5 An offence under section 4 of the Offences against the...
6 An offence under section 16 of that Act (threats to...
An offence under section 18 of that Act (wounding with...  
An offence under section 20 of that Act (malicious wounding)....  
An offence under section 21 of that Act (attempting to...  
An offence under section 22 of that Act (using chloroform...  
An offence under section 23 of that Act (maliciously administering...  
An offence under section 27 of that Act (abandoning children)....  
An offence under section 28 of that Act (causing bodily,...  
An offence under section 29 of that Act (using explosives...  
An offence under section 30 of that Act (placing explosives...  
An offence under section 31 of that Act (setting spring...  
An offence under section 32 of that Act (endangering the...  
An offence under section 35 of that Act (injuring persons...  
An offence under section 37 of that Act (assaulting officer...  
An offence under section 38 of that Act (assault with...  
An offence under section 47 of that Act (assault occasioning,...  
An offence under section 2 of the Explosive Substances Act...  
An offence under section 3 of that Act (attempt to...  
An offence under section 1 of the Infant Life (Preservation)...  
An offence under section 1 of the Children and Young...  
An offence under section 1 of the Infanticide Act 1938...  
An offence under section 16 of the Firearms Act 1968...  
An offence under section 16A of that Act (possession of...  
An offence under section 17(1) of that Act (use of...  
An offence under section 17(2) of that Act (possession of...  
An offence under section 18 of that Act (carrying a...  
An offence under section 1 of the Theft Act 1968...  
An offence under section 8 of that Act (robbery or assault)...  
An offence under section 9(1)(a) of that Act (burglary with...  
An offence under section 10 of that Act (aggravated burglary)....  
An offence under section 12A of that Act (aggravated vehicle-taking)...  
An offence of arson under section 1 of the Criminal...  
An offence under section 1(2) of that Act (destroying or...  
An offence under section 1 of the Taking of Hostages...  
An offence under section 1 of the Aviation Security Act...  
An offence under section 3 of that Act (other acts...  
An offence under section 4 of that Act (offences in...  
An offence under section 127 of the Mental Health Act...  
An offence under section 1 of the Child Abduction Act...  
An offence under section 2 of that Act (offence of...  
An offence under section 1 of the Prohibition of Female...  
An offence under section 1 of the Public Order Act...  
An offence under section 2 of that Act (violent disorder)....  
An offence under section 3 of that Act (affray).  
An offence under section 134 of the Criminal Justice Act...  
An offence under section 1 of the Road Traffic Act...  
An offence under section 3A of that Act (causing death)...  
An offence under section 1 of the Aviation and Maritime...  
An offence under section 9 of that Act (hijacking of...  
An offence under section 10 of that Act (seizing or...  
An offence under section 11 of that Act (destroying fixed...  
An offence under section 12 of that Act (other acts...  
An offence under section 13 of that Act (offences involving...
56A An offence under section 2 or 2A of the Protection...
57 An offence under section 4 or 4A of that Act...
58 An offence under section 29 of the Crime and Disorder...
59 An offence falling within section 31(1)(a) or (b) of that...
60 An offence under Part II of the Channel Tunnel (Security)...
60ZA An offence under section 53 or 54 of the Regulation...
60A An offence under section 85(3) or (4) of the Postal...
61 An offence under section 51 or 52 of the International...
61A An offence under section 127(1) of the Communications Act 2003...
62 An offence under section 47 of this Act, where the...
63 An offence under any of sections 51 to 53 or...
63A An offence under section 5 of the Domestic Violence, Crime...
63B An offence under section 2 of the Modern Slavery Act...

Scotland

64 Murder.
65 Culpable homicide.
66 Assault.
67 Assault and robbery.
68 Abduction.
69 Plagium.
70 Wrongful imprisonment.
71 Threatening personal violence.
72 Breach of the peace inferring personal violence.
73 Wilful fireraising.
74 Culpable and reckless fireraising.
75 Mobbing and rioting.
76 An offence under section 2 of the Explosive Substances Act...
77 An offence under section 3 of that Act (attempt to...
78 An offence under section 12 of the Children and Young...
79 An offence under section 16 of the Firearms Act 1968...
80 An offence under section 16A of that Act (possession of...
81 An offence under section 17(1) of that Act (use of...
82 An offence under section 17(2) of that Act (possession of...
83 An offence under section 18 of that Act (carrying a...
84 An offence under section 1 of the Taking of Hostages...
85 An offence under section 1 of the Aviation Security Act...
86 An offence under section 2 of that Act (destroying, damaging...
87 An offence under section 3 of that Act (other acts...
88 An offence under section 4 of that Act (offences in...
89 An offence under section 105 of the Mental Health (Scotland)...
101 An offence under section 7 of the Criminal Law (Consolidation)...
102 An offence under section 9 of that Act (permitting girl...
103 An offence under section 11 of that Act (trading in...
104 An offence under section 12 of that Act (allowing child...
105 An offence under section 13(9) of that Act (living on...
106 An offence under section 50A of that Act (racially-aggravated
harassment)....
106A An offence under section 53 or 54 of the Regulation...
107 An offence under section 51 or 52 of the International...
108 An offence under section 1 of the International Criminal Court...
109 An offence under section 22 of the Criminal Justice (Scotland)...
110 An offence to which section 74 of that Act applies...
111 An offence under section 315 of the Mental Health (Care...

Northern Ireland

112 Murder.
113 Manslaughter.
114 Kidnapping.
115 Riot.
116 Affray.
117 False imprisonment.
117A Outraging public decency.
118 An offence under section 4 of the Offences against the...
119 An offence under section 16 of that Act (threats to...
120 An offence under section 18 of that Act (wounding with...
121 An offence under section 20 of that Act (malicious wounding)....
122 An offence under section 21 of that Act (attempting to...
123 An offence under section 22 of that Act (using chloroform...
124 An offence under section 23 of that Act (maliciously administering...
125 An offence under section 27 of that Act (abandoning children)....
126 An offence under section 28 of that Act (causing bodily,....
127 An offence under section 29 of that Act (using explosives...
128 An offence under section 30 of that Act (placing explosives...
129 An offence under section 31 of that Act (setting spring,...
130 An offence under section 32 of that Act (endangering the...
131 An offence under section 35 of that Act (injuring persons...
132 An offence under section 37 of that Act (assaulting officer...
133 An offence under section 47 of that Act of assault...
134 An offence under section 2 of the Explosive Substances Act...
135 An offence under section 3 of that Act (attempt to...
136 An offence under section 25 of the Criminal Justice (Northern...
137 An offence under section 1 of the Infanticide Act (Northern...
138 An offence under section 7(1)(b) of the Criminal Justice
(Miscellaneous)...
An offence under Article 58(1) of the Firearms (Northern Ireland)... 
An offence under Article 58(2) of that Order (possession of... 
An offence under Article 59(1) of that Order (use of... 
An offence under Article 59(2) of that Order (possession of... 
An offence under Article 60 of that Order (carrying a... 
An offence under section 1 of the Taking of Hostages... 
An offence under section 1 of the Aviation Security Act... 
An offence under section 2 of that Act (destroying, damaging... 
An offence under section 3 of that Act (other acts... 
An offence under section 4 of that Act (offences in... 
An offence under Article 3 of the Child Abduction (Northern... 
An offence under Article 4 of that Order (offence of... 
An offence under section 1 of the Prohibition of Female... 
An offence under Article 121 of the Mental Health (Northern... 
An offence under section 134 of the Criminal Justice Act... 
An offence under section 1 of the Aviation and Maritime... 
An offence under section 9 of that Act (hijacking of... 
An offence under section 10 of that Act (seizing or... 
An offence under section 11 of that Act (destroying fixed... 
An offence under section 12 of that Act (other acts... 
An offence under section 13 of that Act (offences involving... 
An offence under Article 9 of the Road Traffic (Northern... 
An offence under Article 14 of that Order (causing death... 
An offence under Article 4 of the Protection from Harassment... 
An offence under Article 6 of that Order (putting people... 
An offence under section 66 of the Police (Northern Ireland)... 
An offence under Part II of the Channel Tunnel (Security)... 
An offence under section 53 or 54 of the Regulation... 
An offence under section 85(3) or (4) of the Postal... 
An offence under section 51 or 52 of the International... 
An offence under section 127(1) of the Communications Act 2003... 
An offence under section 47 of this Act, where the... 
An offence under any of sections . . . 57... 
An offence under section 5 of the Domestic Violence, Crime... 
An offence under Article 62 (causing or inciting prostitution for... 
An offence under section 2 of the Human Trafficking and... 

Service offences

An offence under— (a) section 70 of the Army Act...
(1) An offence under section 42 of the Armed Forces...

General

A reference in a preceding paragraph to an offence includes—...
A reference in a preceding paragraph to an offence (“offence... 
A reference in a preceding paragraph to a person’s age...

SCHEDULE 6 — Minor and consequential amendments

Vagrancy Act 1824 (c. 83)

In section 4 of the Vagrancy Act 1824 (rogues and...
In section 4 of the Vagrancy Act 1824 as it...
Town Police Clauses Act 1847 (c. 89)
3 In section 28 of the Town Police Clauses Act 1847...

Offences against the Persons Act 1861 (c. 100)
4 In the Offences against the Person Act 1861, omit sections...

Criminal Law Amendment Act 1885 (c. 69)
5 In the Criminal Law Amendment Act 1885, omit—

Vagrancy Act 1898 (c. 39)
6 The Vagrancy Act 1898 ceases to have effect.

Children and Young Persons Act 1933 (c. 12)
7 In Schedule 1 to the Children and Young Persons Act...

Visiting Forces Act 1952 (c. 67)
8 (1) Paragraph 1 of the Schedule to the Visiting Forces...

Army Act 1955 (3 & 4 Eliz. 2 c. 18)
9 Minor and consequential amendments

Air Force Act 1955 (3 & 4 Eliz. 2.c. 19)
10 Minor and consequential amendments

Sexual Offences Act 1956 (c. 37)
11 In the Sexual Offences Act 1956, omit—

Naval Discipline Act 1957 (c. 53)
12 Minor and consequential amendments

Mental Health Act 1959 (c. 72)
13 In the Mental Health Act 1959, omit sections 127 (amendment...

Indecency with Children Act 1960 (c. 33)
14 The Indecency with Children Act 1960 ceases to have effect....

Sexual Offences Act 1967 (c. 60)
15 In the Sexual Offences Act 1967, omit the following—

Firearms Act 1968 (c. 27)
16 In Schedule 1 to the Firearms Act 1968 (offences to...

Theft Act 1968 (c. 60)
17 In section 9 of the Theft Act 1968 (burglary), in...
Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

18  (1) The Children and Young Persons Act (Northern Ireland) 1968...

Rehabilitation of Offenders Act 1974 (c. 53)

19  In section 7 of the Rehabilitation of Offenders Act 1974...

Sexual Offences (Amendment) Act 1976 (c. 82)

20  (1) The Sexual Offences (Amendment) Act 1976 is amended as...

Criminal Law Act 1977 (c. 45)

21  In the Criminal Law Act 1977, omit section 54 (inciting...

Internationally Protected Persons Act 1978 (c. 17)

22  In section 1 of the Internationally Protected Persons Act 1978...

Suppression of Terrorism Act 1978 (c. 26)

23  (1) Schedule 1 to the Suppression of Terrorism Act 1978...

Protection of Children Act 1978 (c. 37)

24  In section 1(1) of the Protection of Children Act 1978...


25  In Article 8 of the Rehabilitation of Offenders (Northern Ireland)... 

Magistrates' Courts Act 1980 (c. 43)

26  (1) The Magistrates' Courts Act 1980 is amended as follows....

Criminal Justice Act 1982 (c. 48)

27  In the Criminal Justice Act 1982, in Part 2 of...

Police and Criminal Evidence Act 1984 (c. 60)

28  (1) The Police and Criminal Evidence Act 1984 is amended...

Criminal Justice Act 1988 (c. 33)

29  (1) The Criminal Justice Act 1988 is amended as follows....

Criminal Justice Act 1991 (c. 53)

30  In section 34A of the Criminal Justice Act 1991 (power...

Sexual Offences (Amendment) Act 1992 (c. 34)

31  (1) Section 2 of the Sexual Offences (Amendment) Act 1992...

Criminal Justice and Public Order Act 1994 (c. 33)

32  (1) The Criminal Justice and Public Order Act 1994 is...
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sexual Offences Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)
33 In section 5(6) of the Criminal Law (Consolidation) (Scotland) Act...

Criminal Injuries Compensation Act 1995 (c. 53)
34 In section 11 of the Criminal Injuries Compensation Act 1995...

Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)
35 In the Schedule to the Sexual Offences (Conspiracy and Incitement)...

Sexual Offences (Protected Material) Act 1997 (c. 39)
36 In the Schedule to the Sexual Offences (Protected Material) Act...

Sex Offenders Act 1997 (c. 51)
37 The Sex Offenders Act 1997 ceases to have effect.

Crime and Disorder Act 1998 (c. 37)
38 (1) The Crime and Disorder Act 1998 is amended as...

39 Minor and consequential amendments

40 In the Criminal Justice (Northern Ireland) Order 1998, omit Articles...

Youth Justice and Criminal Evidence Act 1999 (c. 23)
41 (1) The Youth Justice and Criminal Evidence Act 1999 is...

Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))
42 (1) The Criminal Evidence (Northern Ireland) Order 1999 is amended...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
43 (1) The Powers of Criminal Courts (Sentencing) Act 2000 is...

Criminal Justice and Courts Services Act 2000 (c. 43)
44 (1) The Criminal Justice and Courts Services Act 2000 is...

Sexual Offences (Amendment) Act 2000 (c. 44)
45 (1) The Sexual Offences (Amendment) Act 2000 is amended as...

Proceeds of Crime Act 2002 (c. 29)
46 (1) The Proceeds of Crime Act 2002 is amended as...

Adoption and Children Act 2002 (c. 38)
47 In section 74 of the Adoption and Children Act 2002...
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sexual Offences Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Nationality, Asylum and Immigration Act 2002 (c. 41)

48 In the Nationality, Asylum and Immigration Act 2002, omit sections...

Criminal Justice (Scotland) Act 2003 (asp 7)

49 In section 21(9) of the Criminal Justice (Scotland) Act 2003...

Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (S.I. 2003/417 (N.I. 4))

50 In paragraph 1 of Schedule 1 to the Protection of...


51 In Schedule 2 to the Access to Justice (Northern Ireland)...

Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13))

52 In the Criminal Justice (Northern Ireland) Order 2003, omit—

SCHEDULE 7 — Repeals and revocations
Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sexual Offences Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to:
- Pt. 2 applied (with modifications) by 2016 asp 22 s. 18(3)
- Pt. 2 applied (with modifications) by 2016 asp 22 s. 35(3)(4)
- Pt. 2 applied (with modifications) by 2016 asp 22 s. 38(4)-(6)
- s. 22(5) words inserted by S.I. 2019/772 reg. 25
- s. 88(1) words substituted by 2016 asp 22 Sch. 2 para. 3(2)(a)
- s. 88(4)(5) repealed by 2016 asp 22 Sch. 2 para. 3(2)(b)
- s. 104-109 repealed by 2016 asp 22 s. 39(1)(a)
- s. 110 repealed by 2016 asp 22 s. 39(1)(b)
- s. 111 repealed by 2016 asp 22 s. 39(1)(b)
- s. 111A repealed by 2016 asp 22 s. 39(1)(b)
- s. 112 repealed by 2016 asp 22 s. 39(1)(b)
- s. 113 repealed by 2016 asp 22 s. 39(1)(b)
- s. 114 repealed by 2016 asp 22 s. 39(1)(b)
- s. 115 repealed by 2016 asp 22 s. 39(1)(b)
- s. 116 repealed by 2016 asp 22 s. 39(1)(b)
- s. 117 repealed by 2016 asp 22 s. 39(1)(b)
- s. 117B repealed by 2016 asp 22 s. 39(1)(c)
- s. 118 repealed by 2016 asp 22 s. 39(1)(d)
- s. 120 repealed by 2016 asp 22 s. 39(1)(e)
- s. 121 repealed by 2016 asp 22 s. 39(1)(e)
- s. 122 repealed by 2016 asp 22 s. 39(1)(e)
- s. 136 power to amend conferred by 2014 c. 12 s. 181(3)
- s. 136(8) word repealed by 2013 c. 7 (N.I.) Sch. 4 Pt. 1
- s. 136J(5) words substituted by 2011 c. 24 (N.I.) s. 55(2)
- s. 136R(15) inserted by 2011 c. 24 (N.I.) s. 55(3)
- s. 142 power to amend conferred by 2014 c. 12 s. 181(3)
- Sch. 3 para. 92HA inserted by 2015 c. 9 (N.I.) s. 90(4)
- Sch. 3 modified by 2016 asp 22 s. 25(3)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 21(4)(h) inserted by S.I. 2019/772 reg. 24
- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by 2015 c. 9 (N.I.) Sch. 1 para. 123(1)Sch. 9 Pt. 1
- s. 67A inserted by 2019 c. 2 s. 1(2)
- s. 68(1A) inserted by 2019 c. 2 s. 1(3)
- s. 89(1A) inserted by 2016 asp 22 Sch. 2 para. 3(3)
- s. 108(9) inserted by 2011 c. 18 s. 17(2)
- Sch. 3 para. 34A inserted by 2019 c. 2 s. 1(4)
- Sch. 5 para. 171C-171G inserted by 2018 c. 5 Sch. 12 para. 23