Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Assault

2 Assault by penetration

(1) A person (A) commits an offence if—
   (a) he intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,
   (b) the penetration is sexual,
   (c) B does not consent to the penetration, and
   (d) A does not reasonably believe that B consents.

(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

(3) Sections 75 and 76 apply to an offence under this section.

(4) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

3 Sexual assault

(1) A person (A) commits an offence if—
   (a) he intentionally touches another person (B),
   (b) the touching is sexual,
   (c) B does not consent to the touching, and
   (d) A does not reasonably believe that B consents.
(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

(3) Sections 75 and 76 apply to an offence under this section.

(4) A person guilty of an offence under this section is liable—
   (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
   (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.
Changes to legislation:
Sexual Offences Act 2003, Cross Heading: Assault is up to date with all changes known to be in force on or before 30 October 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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. 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. 89(1A) inserted by 2016 asp 22 Sch. 2 para. 3(3)
– s. 108(9) inserted by 2011 c. 18 s. 17(2)
– Sch. 5 para. 63C inserted by 2021 c. 17 Sch. 2 para. 6