



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 1

#### SEXUAL OFFENCES

##### *Inducements etc. to persons with a mental disorder*

- 34 Inducement, threat or deception to procure sexual activity with a person with a mental disorder**
- (1) A person (A) commits an offence if—
- with the agreement of another person (B) he intentionally touches that person,
  - the touching is sexual,
  - A obtains B's agreement by means of an inducement offered or given, a threat made or a deception practised by A for that purpose,
  - B has a mental disorder, and
  - A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this section, if the touching involved—
- penetration of B's anus or vagina with a part of A's body or anything else,
  - penetration of B's mouth with A's penis,
  - penetration of A's anus or vagina with a part of B's body, or
  - penetration of A's mouth with B's penis,
- is liable, on conviction on indictment, to imprisonment for life.
- (3) Unless subsection (2) applies, a person guilty of an offence under this section is liable—
- on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - on conviction on indictment, to imprisonment for a term not exceeding 14 years.

**35 Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception**

- (1) A person (A) commits an offence if—
- (a) by means of an inducement offered or given, a threat made or a deception practised by him for this purpose, he intentionally causes another person (B) to engage in, or to agree to engage in, an activity,
  - (b) the activity is sexual,
  - (c) B has a mental disorder, and
  - (d) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this section, if the activity caused or agreed to involved—
- (a) penetration of B’s anus or vagina,
  - (b) penetration of B’s mouth with a person’s penis,
  - (c) penetration of a person’s anus or vagina with a part of B’s body or by B with anything else, or
  - (d) penetration of a person’s mouth with B’s penis,
- is liable, on conviction on indictment, to imprisonment for life.
- (3) Unless subsection (2) applies, 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 14 years.

**36 Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder**

- (1) A person (A) commits an offence if—
- (a) he intentionally engages in an activity,
  - (b) the activity is sexual,
  - (c) for the purpose of obtaining sexual gratification, he engages in it—
    - (i) when another person (B) is present or is in a place from which A can be observed, and
    - (ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it,
  - (d) B agrees to be present or in the place referred to in paragraph (c)(i) because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
  - (e) B has a mental disorder, and
  - (f) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) 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.

**37 Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception**

- (1) A person (A) commits an offence if—
  - (a) for the purpose of obtaining sexual gratification, he intentionally causes another person (B) to watch a third person engaging in an activity, or to look at an image of any person engaging in an activity,
  - (b) the activity is sexual,
  - (c) B agrees to watch or look because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
  - (d) B has a mental disorder, and
  - (e) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) 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.