



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1 **E+W+N.I.**

SEXUAL OFFENCES

Offences outside the United Kingdom

[^{F172} Offences outside the United Kingdom **E+W+N.I.**

[^{F2}(1) If—

- (a) a United Kingdom national does an act in a country outside the United Kingdom, and
- (b) the act, if done in England and Wales ^{F3} . . . , would constitute a sexual offence to which this section applies,

the United Kingdom national is guilty in [^{F4}England and Wales] of that sexual offence.

(2) If—

- (a) a United Kingdom resident does an act in a country outside the United Kingdom,
- (b) the act constitutes an offence under the law in force in that country, and
- (c) the act, if done in England and Wales ^{F5} . . . , would constitute a sexual offence to which this section applies,

the United Kingdom resident is guilty in [^{F6}England and Wales] of that sexual offence.

(3) If—

- (a) a person does an act in a country outside the United Kingdom at a time when the person was not a United Kingdom national or a United Kingdom resident,
- (b) the act constituted an offence under the law in force in that country,
- (c) the act, if done in England and Wales ^{F7} . . . , would have constituted a sexual offence to which this section applies, and
- (d) the person meets the residence or nationality condition at the relevant time,

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proceedings may be brought against the person in [^{F8}England and Wales] for that sexual offence as if the person had done the act there.

- (4) The person meets the residence or nationality condition at the relevant time if the person is a United Kingdom national or a United Kingdom resident at the time when the proceedings are brought.
- (5) An act punishable under the law in force in any country constitutes an offence under that law for the purposes of subsections (2) and (3) however it is described in that law.
- (6) The condition in subsection (2)(b) or (3)(b) is to be taken to be met unless, not later than rules of court may provide, the defendant serves on the prosecution a notice—
 - (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in the defendant's opinion met,
 - (b) showing the grounds for that opinion, and
 - (c) requiring the prosecution to prove that it is met.
- (7) But the court, if it thinks fit, may permit the defendant to require the prosecution to prove that the condition is met without service of a notice under subsection (6).
- (8) In the Crown Court the question whether the condition is met is to be decided by the judge alone.
- (9) In this section—
 - “country” includes territory;
 - “United Kingdom national” means an individual who is—
 - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
 - (b) a person who under the British Nationality Act 1981 is a British subject; or
 - (c) a British protected person within the meaning of that Act;
 - “United Kingdom resident” means an individual who is resident in the United Kingdom.
- (10) Schedule 2 lists the sexual offences to which this section applies.]]

Textual Amendments

- F1** S. 72 substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 72(1), 153(7); S.I. 2008/1586, art. 2, Sch. 1 para. 34 (subject to Sch. 2)
- F2** Ss. 66-72 repealed (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1, 78(e), Sch. 3 (with Sch. 2 para. 1); S.R. 2008/510, art. 2
- F3** Words in s. 72(1) omitted (2.2.2009) by virtue of The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 10(2)(a); S.R. 2008/510, art. 2
- F4** Words in s. 72(1) substituted (2.2.2009) by The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 10(2)(b); S.R. 2008/510, art. 2
- F5** Words in s. 72(2) omitted (2.2.2009) by virtue of The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 10(3)(a); S.R. 2008/510, art. 2
- F6** Words in s. 72(2) substituted (2.2.2009) by The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 10(3)(b); S.R. 2008/510, art. 2
- F7** Words in s. 72(3) omitted (2.2.2009) by virtue of The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), 10(4)(a); S.R. 2008/510, art. 2

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F8 Words in s. 72(3) substituted (2.2.2009) by [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **10(4)(b)**; S.R. 2008/510, **art. 2**

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