

Changes to legislation: *Sexual Offences Act 2003, Cross Heading: Service offences is up to date with all changes known to be in force on or before 17 April 2024. 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. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 3

SEXUAL OFFENCES FOR PURPOSES OF PART 2

Modifications etc. (not altering text)

- C1** Sch. 3 modified (28.6.2022) by 2007 c. 21, s. 28(4ZA) (as inserted by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 146(c), 208(5)(p))
- C1** Sch. 3 modified (S.) (31.3.2023) by Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), ss. 25(3), 45(2)(3) (with s. 44); S.S.I. 2023/51, reg. 2 (with reg. 3)

Service offences

- 93 (1) An offence under—
- (a) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18),
 - (b) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), or
 - (c) section 42 of the Naval Discipline Act 1957 (c. 53),
- of which the corresponding civil offence (within the meaning of that Act) is an offence listed in any of paragraphs 1 to [F¹35B].
- (2) A reference in any of those paragraphs to being made the subject of a community sentence of at least 12 months is to be read, in relation to an offence under an enactment referred to in sub-paragraph (1), as a reference to being sentenced to a term of F² . . . detention of at least 112 days.
- [F³(3) In sub-paragraph (2), the reference to detention is to detention awarded under section 71(1)(e) of the Army Act 1955 or Air Force Act 1955 or section 43(1)(e) of the Naval Discipline Act 1957.]

Textual Amendments

- F1** Word in Sch. 3 para. 93(1) substituted for "35A" (E.W.N.I.) (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 177(1), 182(5), Sch. 21 para. 62(5); S.I. 2010/816, art. 2, Sch. para. 20(a) (with art. 7)
- F2** Word in Sch. 3 para. 93(2) repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383(2), Sch. 16 para. 212(2)(a), Sch. 17; S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** Sch. 3 para. 93(3) added (28.3.2009 for certain purposes and otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), Sch. 16 para. 212(2)(b); S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

- [F⁴93A(1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence listed in any of paragraphs 1 to [F⁵35B].

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- (2) A reference in any of those paragraphs to being made the subject of a community sentence of at least 12 months is to be read, in relation to an offence under that section, as a reference to—
- (a) being made the subject of a service community order or overseas community order under the Armed Forces Act 2006 of at least 12 months; or
 - (b) being sentenced to a term of service detention of at least 112 days.
- (3) Section 48 of that Act (attempts, conspiracy, [^{F6}encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of this paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.]

Textual Amendments

- F4** Sch. 3 para. 93A inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 212\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F5** Word in Sch. 3 para. 93A(1) substituted for "35A" (E.W.N.I.) (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(5), [Sch. 21 para. 62\(5\)](#); S.I. 2010/816, [art. 2](#), Sch. para. 20(a) (with transitional and saving provisions in [art. 7](#))
- F6** Words in Sch. 3 para. 93A(3) substituted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 60, 94, [Sch. 5 para. 4\(2\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 93A modified (24.4.2009 for certain purposes and otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 52\(3\)](#)

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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](#) (This amendment not applied to legislation.gov.uk. S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by [2022 c. 32 s. 178\(7\)\(b\)](#)
- s. 103E(5C)(5D) inserted by [2022 c. 32 s. 178\(8\)](#)
- s. 103F(3B) inserted by [2022 c. 32 s. 178\(9\)\(a\)](#)
- s. 103FA103FB inserted by [2022 c. 32 s. 178\(10\)](#)
- s. 108(9) inserted by [2011 c. 18 s. 17\(2\)](#)
- s. 122A(8A) inserted by [2022 c. 32 s. 178\(11\)\(a\)](#)
- s. 122A(9B) inserted by [2022 c. 32 s. 178\(11\)\(b\)](#)
- s. 122D(4C)(4D) inserted by [2022 c. 32 s. 178\(12\)](#)
- s. 122E(3B) inserted by [2022 c. 32 s. 178\(13\)\(a\)](#)
- s. 122EA122EB inserted by [2022 c. 32 s. 178\(14\)](#)
- s. 136ZA(3) inserted by [2022 c. 32 s. 178\(15\)](#)