

Changes to legislation: Sexual Offences Act 2003, Paragraph 34A 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](#))

England and Wales

- [^{F1}34A(1) An offence under section 67A of this Act (voyeurism: additional offences), if—
- (a) the offence was committed for the purpose mentioned in section 67A(3)(a) (sexual gratification), and
 - (b) the relevant condition is met.
- (2) Where the offender was under 18, the relevant condition is that the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- (3) In any other case, the relevant condition is that—
- (a) the victim was under 18, or
 - (b) the offender, in respect of the offence or finding, is or has been—
 - (i) sentenced to a term of imprisonment,
 - (ii) detained in a hospital, or
 - (iii) made the subject of a community sentence of at least 12 months.]

Textual Amendments

- F1** Sch. 3 para. 34A inserted (12.4.2019) by [Voyeurism \(Offences\) Act 2019 \(c. 2\)](#), [ss. 1\(4\)](#), [2\(2\)](#)

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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 S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I.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\(15\)](#)