

Status: Point in time view as at 28/03/2009.

Changes to legislation: Sexual Offences Act 2003, SCHEDULE 6 is up to date with all changes known to be in force on or before 04 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)

SCHEDULES

SCHEDULE 6

Section 139

MINOR AND CONSEQUENTIAL AMENDMENTS

Vagrancy Act 1824 (c. 83)

- 1 In section 4 of the Vagrancy Act 1824 (rogues and vagabonds) except so far as extending to Northern Ireland, omit the words from “every person wilfully” to “female”.
- 2 In section 4 of the Vagrancy Act 1824 as it extends to Northern Ireland, omit the words from “wilfully, openly, lewdly” to “any female; or”.

Town Police Clauses Act 1847 (c. 89)

- 3 In section 28 of the Town Police Clauses Act 1847 (penalty for committing certain acts), omit “Every person who wilfully and indecently exposes his person:”.

Offences against the Persons Act 1861 (c. 100)

- 4 In the Offences against the Person Act 1861, omit sections 61 and 62.

Criminal Law Amendment Act 1885 (c. 69)

- 5 In the Criminal Law Amendment Act 1885, omit—
 - (a) in section 2, subsections (2) to (4), and
 - (b) section 11.

Vagrancy Act 1898 (c. 39)

- 6 The Vagrancy Act 1898 ceases to have effect.

Children and Young Persons Act 1933 (c. 12)

- 7 In Schedule 1 to the Children and Young Persons Act 1933 (offences to which special provisions of that Act apply), for the entry relating to offences under the Sexual Offences Act 1956 (c. 69) substitute— “ Any offence against a child or young person under any of sections 1 to 41, 47 to 53, 57 to 61, 66 and 67 of the Sexual Offences Act 2003, or any attempt to commit such an offence. Any offence under section 62 or 63 of the Sexual Offences Act 2003 where the intended offence was an offence against a child or young person, or any attempt to commit such an offence. ”

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Visiting Forces Act 1952 (c. 67)

- 8 (1) Paragraph 1 of the Schedule to the Visiting Forces Act 1952 (offences referred to in section 3 of that Act) is amended as follows.
- (2) Before sub-paragraph (a) insert—
 “(za) rape and buggery (offences under the law of Northern Ireland);”.
- (3) In sub-paragraph (a), omit “rape” and “buggery”.
- (4) In sub-paragraph (b), after paragraph (xii) insert—
 “(xiii) Part 1 of the Sexual Offences Act 2003.”

Army Act 1955 (3 & 4 Eliz. 2 c. 18)

- 9 [F1In section 70(4) of the Army Act 1955 (person not to be charged with an offence committed in the United Kingdom where corresponding civil offence is within the subsection)—
- (a) omit “or rape”, and
- (b) after “International Criminal Court Act 2001” insert “ or an offence under section 1 of the Sexual Offences Act 2003 (rape) ”.]

Textual Amendments

F1 Sch. 6 para. 9 repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Air Force Act 1955 (3 & 4 Eliz. 2.c. 19)

- 10 [F2In section 70(4) of the Air Force Act 1955 (person not to be charged with an offence committed in the United Kingdom where corresponding civil offence is within the subsection)—
- (a) omit “or rape”, and
- (b) after “International Criminal Court Act 2001” insert “ or an offence under section 1 of the Sexual Offences Act 2003 (rape) ”.]

Textual Amendments

F2 Sch. 6 para. 10 repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Sexual Offences Act 1956 (c. 37)

- 11 In the Sexual Offences Act 1956, omit—
- (a) sections 1 to 7, 9 to 17, 19 to 32 and 41 to 47 (offences), and
- (b) in Schedule 2 (prosecution, punishment etc.), paragraphs 1 to 32.

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Naval Discipline Act 1957 (c. 53)

- 12 [F3 In section 48(2) of the Naval Discipline Act 1957 (courts-martial not to have jurisdiction as regards certain offences committed in the United Kingdom)—
- (a) omit “or rape”, and
 - (b) before “committed on shore” insert “ or an offence under section 1 of the Sexual Offences Act 2003 (rape) ”.]

Textual Amendments

- F3** Sch. 6 para. 12 repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383(2), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Mental Health Act 1959 (c. 72)

- 13 In the Mental Health Act 1959, omit sections 127 (amendment of Sexual Offences Act 1956) and 128 (sexual intercourse with patients).

Indecency with Children Act 1960 (c. 33)

- 14 The Indecency with Children Act 1960 ceases to have effect.

Sexual Offences Act 1967 (c. 60)

- 15 In the Sexual Offences Act 1967, omit the following—
- (a) section 1 (amendment of law relating to homosexual acts in private),
 - (b) section 4 (procuring others to commit homosexual acts),
 - (c) section 5 (living on earnings of male prostitution),
 - (d) section 7 (time limit on prosecutions),
 - (e) section 8 (restriction on prosecutions), and
 - (f) section 10 (past offences).

Firearms Act 1968 (c. 27)

- 16 In Schedule 1 to the Firearms Act 1968 (offences to which section 17(2) of that Act applies), for paragraph 6 substitute—

- “6 Offences under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 1 (rape);
 - (b) section 2 (assault by penetration);
 - (c) section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (d) section 5 (rape of a child under 13);
 - (e) section 6 (assault of a child under 13 by penetration);

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- (f) section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
- (g) section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
- (h) section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.”

Theft Act 1968 (c. 60)

- 17 In section 9 of the Theft Act 1968 (burglary), in subsection (2) omit “or raping any person”.

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

- 18 (1) The Children and Young Persons Act (Northern Ireland) 1968 is amended as follows.
- (2) ^{F4}
- (3) In Schedule 1 (offences against children and young persons to which special provisions of that Act apply), at the end insert— “ Any offence against a child or young person under any of sections 15 to 19, 47 to 59, 66 and 67 of the Sexual Offences Act 2003 or any attempt to commit such an offence. ”

Textual Amendments

F4 Sch. 6 para. 18(2) omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(2)(a), **15**; S.R. 2008/510, **art. 2**

Rehabilitation of Offenders Act 1974 (c. 53)

- 19 In section 7 of the Rehabilitation of Offenders Act 1974 (limitations on rehabilitation under that Act), in subsection (2), for paragraph (bb) substitute—
- “(bb) in any proceedings under Part 2 of the Sexual Offences Act 2003, or on appeal from any such proceedings;”.

Sexual Offences (Amendment) Act 1976 (c. 82)

- 20 (1) The Sexual Offences (Amendment) Act 1976 is amended as follows.
- (2) In section 1 (meaning of “rape”), omit subsection (2).
- (3) In section 7 (citation, interpretation etc.)—
- (a) for subsection (2) substitute—
- “(2) In this Act—
- (a) “a rape offence” means any of the following—
- (i) an offence under section 1 of the Sexual Offences Act 2003 (rape);

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- (ii) an offence under section 2 of that Act (assault by penetration);
 - (iii) an offence under section 4 of that Act (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (iv) an offence under section 5 of that Act (rape of a child under 13);
 - (v) an offence under section 6 of that Act (assault of a child under 13 by penetration);
 - (vi) an offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (vii) an offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
 - (viii) an offence under section 31 of that Act (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (ix) an attempt, conspiracy or incitement to commit an offence within any of paragraphs (i) to (vii);
 - (x) aiding, abetting, counselling or procuring the commission of such an offence or an attempt to commit such an offence.
- (b) the use in any provision of the word “man” without the addition of the word “boy” does not prevent the provision applying to any person to whom it would have applied if both words had been used, and similarly with the words “woman” and “girl”.”;
- (b) omit subsection (3).

Criminal Law Act 1977 (c. 45)

- 21 In the Criminal Law Act 1977, omit section 54 (inciting girl under 16 to have incestuous sexual intercourse).

Internationally Protected Persons Act 1978 (c. 17)

- 22 In section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons)—
- (a) in subsection (1)(a)—
 - (i) omit “rape,”;

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- (ii) after “Explosive Substances Act 1883” insert “ or an offence listed in subsection (1A) ”;
- (b) after subsection (1) insert—
 - “(1A) The offences mentioned in subsection (1)(a) are—
 - (a) in Scotland or Northern Ireland, rape;
 - (b) an offence under section 1 or 2 of the Sexual Offences Act 2003;
 - (c) an offence under section 4 of that Act, where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (d) an offence under section 5 or 6 of that Act;
 - (e) an offence under section 8 of that Act, where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (f) an offence under section 30 of that Act, where the touching involved penetration within subsection (3)(a) to (d) of that section;
 - (g) an offence under section 31 of that Act, where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.”

Suppression of Terrorism Act 1978 (c. 26)

- 23 (1) Schedule 1 to the Suppression of Terrorism Act 1978 (offences for the purposes of that Act) is amended as follows.
- (2) In paragraph 3, after “Rape” insert “ under the law of Scotland or Northern Ireland ”.
- (3) For paragraph 9 substitute—
- “9 An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) sections 1 or 2 (rape, assault by penetration);
 - (b) section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (c) section 5 or 6 (rape of a child under 13, assault of a child under 13 by penetration);
 - (d) section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (e) section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
 - (f) section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.”.

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Protection of Children Act 1978 (c. 37)

- 24 In section 1(1) of the Protection of Children Act 1978 (indecent photographs of children), at the beginning insert “ Subject to sections 1A and 1B, ”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 25 In Article 8 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (limitations on rehabilitation under that Order), in paragraph (2), for subparagraph (bb) substitute—
“(bb) in any proceedings under Part 2 of the Sexual Offences Act 2003, or on appeal from any such proceedings;”.

Magistrates' Courts Act 1980 (c. 43)

- 26 (1) The Magistrates' Courts Act 1980 is amended as follows.
(2) In section 103 (evidence of persons under 14 in committal proceedings), in subsection (2)(c), after “the Protection of Children Act 1978” insert “ or Part 1 of the Sexual Offences Act 2003 ”.
(3) In Schedule 7 (consequential amendments), omit paragraph 18.

Criminal Justice Act 1982 (c. 48)

- 27 In the Criminal Justice Act 1982, in Part 2 of Schedule 1 (offences excluded from early release provisions), after the entry relating to the Proceeds of Crime Act 2002 (c. 29) insert—

“SEXUAL OFFENCES ACT 2003

Sections 1 and 2 (rape, assault by penetration).

Section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section.

Sections 5 and 6 (rape of a child under 13, assault of a child under 13 by penetration).

Section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

Section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section.

Section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.”

Police and Criminal Evidence Act 1984 (c. 60)

- 28 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
(2) In section 80(7) (sexual offences for purposes of compellability of spouse), after “the Protection of Children Act 1978” insert “ or Part 1 of the Sexual Offences Act 2003 ”.

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- (3) ^{F5}
- (4) ^{F5}

Textual Amendments

F5 Sch. 6 para. 28(3)(4) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174(2), 178, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(t)(u)(lvi) (subject to art. 2(2))

Criminal Justice Act 1988 (c. 33)

- 29 (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 32 (evidence through television links), in subsection (2)(c), after “the Protection of Children Act 1978” insert “or Part 1 of the Sexual Offences Act 2003”.
- (3) In section 160(1) (possession of indecent photograph of child), at the beginning insert “Subject to subsection (1A),”.

Criminal Justice Act 1991 (c. 53)

- 30 In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), in subsection (2)(da), for “Part I of the Sex Offenders Act 1997” substitute “Part 2 of the Sexual Offences Act 2003”.

Sexual Offences (Amendment) Act 1992 (c. 34)

- 31 (1) Section 2 of the Sexual Offences (Amendment) Act 1992 (offences to which that Act applies) is amended as follows.
- (2) In subsection (1) (England and Wales)—
- (a) after paragraph (d) insert—
- “(da) any offence under any of the provisions of Part 1 of the Sexual Offences Act 2003 except section 64, 65, 69 or 71;”;
- (b) in paragraph (e) for “(d)” substitute “(da)”.
- (3) In subsection (3) (Northern Ireland)—
- (a) after paragraph (hh) insert—
- “(ha) any offence under any of sections 15 to 21, 47 to 53, 57 to 59, 66, 67, 70 and 72 of the Sexual Offences Act 2003.”;
- (b) in paragraph (i) for “(hh)” substitute “(ha)”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 32 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 25 (no bail if previous conviction for certain offences), for subsection (2) (d) and (e) substitute—
- “(d) rape under the law of Scotland or Northern Ireland;
- (e) an offence under section 1 of the Sexual Offences Act 1956 (rape);
- (f) an offence under section 1 of the Sexual Offences Act 2003 (rape);

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- (g) an offence under section 2 of that Act (assault by penetration);
 - (h) an offence under section 4 of that Act (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (i) an offence under section 5 of that Act (rape of a child under 13);
 - (j) an offence under section 6 of that Act (assault of a child under 13 by penetration);
 - (k) an offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (l) an offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
 - (m) an offence under section 31 of that Act (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (n) an attempt to commit an offence within any of paragraphs (d) to (m).”
- (3) Omit sections 142 to 144.
- (4) In Schedule 10 (consequential amendments) omit paragraphs 26 and 35(2) and (4).

Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

- 33 In section 5(6) of the Criminal Law (Consolidation) (Scotland) Act 1995 (which relates to construing the expression “a like offence”), after paragraph (c) insert “or (cc) any of sections 9 to 14 of the Sexual Offences Act 2003;”.

Criminal Injuries Compensation Act 1995 (c. 53)

- 34 In section 11 of the Criminal Injuries Compensation Act 1995 (approval by parliament of certain alterations to the Tariff or provisions of the Scheme)—
- (a) in subsection (3)(d), after “rape” insert “ or an offence under section 30 of the Sexual Offences Act 2003 ”;
 - (b) after subsection (8) insert—
 - “(9) In subsection (3) “rape”, in relation to anything done in England and Wales, means an offence under section 1 or 5 of the Sexual Offences Act 2003.”

Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)

- 35 In the Schedule to the Sexual Offences (Conspiracy and Incitement) Act 1996 (sexual offences for the purposes of that Act), in paragraph 1—
- (a) for sub-paragraph (1)(b) substitute—
 - “(b) an offence under any of sections 1 to 12, 14 and 15 to 26 of the Sexual Offences Act 2003.”;

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- (b) in sub-paragraph (2), for “In sub-paragraph (1)(a), sub-paragraphs (i), (iv), (v) and (vi) do” substitute “ Sub-paragraph (1)(b) does ”.

Sexual Offences (Protected Material) Act 1997 (c. 39)

36 In the Schedule to the Sexual Offences (Protected Material) Act 1997 (sexual offences for the purposes of that Act)—

- (a) after paragraph 5 insert—

“5A Any offence under any provision of Part 1 of the Sexual Offences Act 2003 except section 64, 65, 69 or 71.”;

- (b) in paragraph 6, for “1 to 5” substitute “ 5 and 5A ”.

Sex Offenders Act 1997 (c. 51)

37 The Sex Offenders Act 1997 ceases to have effect.

Crime and Disorder Act 1998 (c. 37)

38 (1) The Crime and Disorder Act 1998 is amended as follows.

(2) Omit sections 2, 2A, 2B and 3 (sex offender orders and interim orders).

(3) In section 4 (appeals against orders)—

- (a) in subsection (1), omit “a sex offender order or an order under section 2A above”, and
(b) in subsection (3), omit “or 2(6) above”.

(4) Omit section 20.

(5) In section 21 (procedural provisions with respect to orders)—

- (a) omit subsection (2);
(b) in subsection (4)—
(i) omit “or (2)”; and
(ii) for “either of those subsections” substitute “ that subsection ”;
(c) in subsection (5), omit “or 20”;
(d) in subsection (6), omit “and sex offender orders” and “or 20(4)(a)”;
(e) in subsection (7)(b)(i), omit “or, as the case may be, chief constable”;
(f) omit subsections (7A) and (7B); and
(g) in subsection (10), omit “or 20”.

(6) Omit section 21A.

(7) In section 22 (offences in connection with breach of orders), omit subsections (6) and (7).

(8) In Schedule 8 (minor and consequential amendments), omit paragraph 144.

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

39

F6

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Textual Amendments

F6 Sch. 6 para. 39 omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(2)(a), **15**; [S.R. 2008/510](#), **art. 2**

Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/2839 (N.I. 20))

40 In the Criminal Justice (Northern Ireland) Order 1998, omit Articles 6, 6A, 6B and 7.

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 41 (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In section 35 (cross examination of child witnesses), in subsection (3)(a), after sub-paragraph (v) insert “or
(vi) Part 1 of the Sexual Offences Act 2003;”.
- (3) In section 62 (meaning of “sexual offence” etc.), for subsection (1) substitute—
“(1) In this Part “sexual offence” means any offence under Part 1 of the Sexual Offences Act 2003.”

Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))

- 42 (1) The Criminal Evidence (Northern Ireland) Order 1999 is amended as follows.
- (2) In Article 3(1) (meaning of “sexual offence”), after sub-paragraph (gg) insert—
“(ga) any offence under any of sections 15 to 21, 47 to 53, 57 to 59, 66, 67, and 70 to 72 of the Sexual Offences Act 2003.”
- (3) In Article 23 (protection of child complainants and other child witnesses)—
(a) in paragraph (3), after sub-paragraph (c) insert—
“(cc) any offence under any of sections 15 to 21, 47 to 53, 57 to 59, 66 to 72 of the Sexual Offences Act 2003;”;
(b) in paragraph (4)(a), after “(3)(a)” insert “ or (cc) ”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 43 (1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- (2) In section 91 (power to detain offenders under 18 convicted of certain offences), for subsection (1)(b) and (c) substitute—
“(b) an offence under section 3 of the Sexual Offences Act 2003 (in this section, “the 2003 Act”) (sexual assault); or
(c) an offence under section 13 of the 2003 Act (child sex offences committed by children or young persons); or
(d) an offence under section 25 of the 2003 Act (sexual activity with a child family member); or
(e) an offence under section 26 of the 2003 Act (inciting a child family member to engage in sexual activity).”

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- (3) In section 109 (life sentence for second serious offence), in subsection (5), after paragraph (f) insert—
- “(fa) an offence under section 1 or 2 of the Sexual Offences Act 2003 (in this section, “the 2003 Act”) (rape, assault by penetration);
 - (fb) an offence under section 4 of the 2003 Act (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (fc) an offence under section 5 or 6 of the 2003 Act (rape of a child under 13, assault of a child under 13 by penetration);
 - (fd) an offence under section 8 of the 2003 Act (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (fe) an offence under section 30 of the 2003 Act (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
 - (ff) an offence under section 31 of the 2003 Act (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (fg) an attempt to commit an offence within any of paragraphs (fa) to (ff);”.
- (4) In section 161 (definition of “sexual offence” etc.), in subsection (2)—
- (a) after paragraph (f) insert—
 - “(fa) an offence under any provision of Part 1 of the Sexual Offences Act 2003 except section 52, 53 or 71;”;
 - (b) in paragraph (g), for “(a) to (f)” substitute “ (f) and (fa) ”.
- (5) In Schedule 9 (consequential amendments), omit paragraphs 189, 190 and 193.

Criminal Justice and Courts Services Act 2000 (c. 43)

- 44 (1) The Criminal Justice and Courts Services Act 2000 is amended as follows.
- (2) Omit sections 39 and 66.
- (3) In section 68 (sexual and violent offenders for the purposes of risk assessment etc.), in subsection (2), for “Part I of the Sex Offenders Act 1997” substitute “ Part 2 of the Sexual Offences Act 2003 ”.
- (4) In section 69 (duties of local probation boards in connection with victims of certain offences), in subsection (8)(b), for “Part I of the Sex Offenders Act 1997” substitute “ Part 2 of the Sexual Offences Act 2003 ”.
- (5) In Schedule 4 (offences against children for the purposes of disqualification orders)
- (a) in paragraph 1, for sub-paragraph (m) substitute—
 - “(m) an offence under any of sections 5 to 26 and 47 to 50 of the Sexual Offences Act 2003 (offences against children).”;
 - (b) in paragraph 2, for sub-paragraph (n) substitute—

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- “(n) an offence under any of sections 1 to 4, 30 to 41, 52, 53, 57 to 61, 66 and 67 of the Sexual Offences Act 2003.”;
- (c) in paragraph 3, after sub-paragraph (s) insert—
- “(sa) he commits an offence under section 62 or 63 of the Sexual Offences Act 2003 (committing an offence or trespassing with intent to commit a sexual offence) in a case where the intended offence was an offence against a child.”

(6) Omit Schedule 5.

Sexual Offences (Amendment) Act 2000 (c. 44)

- 45 (1) The Sexual Offences (Amendment) Act 2000 is amended as follows.
- (2) In section 1 (reduction in age at which certain sexual acts are lawful), omit subsections (1) and (2).
- (3) In section 2 (defences available to persons under age), omit subsections (1) to (3).
- (4) Omit sections 3 and 4 (abuse of position of trust) except so far as extending to Scotland.
- (5) Omit section 5 (notification requirements for offenders under section 3).
- (6) In section 6 (meaning of “sexual offence” for the purposes of certain enactments), omit subsection (1).

Proceeds of Crime Act 2002 (c. 29)

- 46 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In paragraph 4 of Schedule 2 (lifestyle offences: England and Wales), for sub-paragraph (2) substitute—
- “(2) An offence under any of sections 57 to 59 of the Sexual Offences Act 2003 (trafficking for sexual exploitation).”
- (3) For paragraph 8 of that Schedule substitute—

“Prostitution and child sex

- 8 (1) An offence under section 33 or 34 of the Sexual Offences Act 1956 (keeping or letting premises for use as a brothel).
- (2) An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 14 (arranging or facilitating commission of a child sex offence);
- (b) section 48 (causing or inciting child prostitution or pornography);
- (c) section 49 (controlling a child prostitute or a child involved in pornography);
- (d) section 50 (arranging or facilitating child prostitution or pornography);
- (e) section 52 (causing or inciting prostitution for gain);

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(f) section 53 (controlling prostitution for gain).”

(4) In paragraph 4 of Schedule 5 (lifestyle offences: Northern Ireland), for sub-paragraph (2) substitute—

“(2) An offence under any of sections 57 to 59 of the Sexual Offences Act 2003 (trafficking for sexual exploitation).”

(5) In paragraph 8 of that Schedule—

- (a) ^{F7}
- (b) omit sub-paragraphs (2) to (5).

Textual Amendments

F7 Sch. 6 para. 46(5)(a) omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(2)(a), **15**; S.R. 2008/510, **art. 2**

Adoption and Children Act 2002 (c. 38)

47 In section 74 of the Adoption and Children Act 2002 (status conferred by adoption not to apply for the purposes of certain enactments), in subsection (1) for paragraphs (b) and (c) substitute “or

- (b) sections 64 and 65 of the Sexual Offences Act 2003 (sex with an adult relative).”

Nationality, Asylum and Immigration Act 2002 (c. 41)

48 In the Nationality, Asylum and Immigration Act 2002, omit sections 145 and 146 (traffic in prostitution).

Criminal Justice (Scotland) Act 2003 (asp 7)

49 In section 21(9) of the Criminal Justice (Scotland) Act 2003 (power of adjournment where person convicted of sexual offence or offence disclosing significant sexual aspects to behaviour in committing it), for the words from “—(a) “three weeks”” to “each case” substitute “ “four weeks” there were ”.

Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(S.I. 2003/417 (N.I. 4))

50 In paragraph 1 of Schedule 1 to the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, after sub-paragraph (n) insert—

- “(o) any offence under any of sections 15 to 21 and 47 to 50 of the Sexual Offences Act 2003.”.

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

51 In Schedule 2 to the Access to Justice (Northern Ireland) Order 2003, in paragraph 2(d)—

- (a) omit sub-paragraph (x),
- (b) omit “or” at the end of sub-paragraph (xi),

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- (c) at the end of sub-paragraph (xii) insert “or
(xiii) under section 89, 90, 97, 100, 104, 108, 109, 114,
118, 123, 125 or 126 of the Sexual Offences Act
2003,”.

Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13))

- 52 In the Criminal Justice (Northern Ireland) Order 2003, omit—
- (a) in Article 19(4), sub-paragraph (a) and
 - (b) in Schedule 1, paragraphs 1, 2, 20 and 21.

Status:

Point in time view as at 28/03/2009.

Changes to legislation:

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