



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 1

#### SEXUAL OFFENCES

##### *Abuse of position of trust*

## 22 Positions of trust: interpretation

- [<sup>F1</sup>(1) The following provisions apply for the purposes of section 21.
- (2) Subject to subsection (3), a person looks after persons under 18 if he is regularly involved in caring for, training, supervising or being in sole charge of such persons.
  - (3) A person (A) looks after another person (B) on an individual basis if—
    - (a) A is regularly involved in caring for, training or supervising B, and
    - (b) in the course of his involvement, A regularly has unsupervised contact with B (whether face to face or by any other means).
  - (4) A person receives education at an educational institution if—
    - (a) he is registered or otherwise enrolled as a pupil or student at the institution, or
    - (b) he receives education at the institution under arrangements with another educational institution at which he is so registered or otherwise enrolled.
  - (5) In section 21—

“authority”—

    - (a) in relation to England and Wales, means a local authority;
    - (b) <sup>F2</sup> .....

“care home” means an establishment which is a care home for the purposes of the Care Standards Act 2000 (c. 14);

“care order” has—

    - (a) in relation to England and Wales, the same meaning as in the Children Act 1989 (c. 41); <sup>F3</sup> . . .

*Status: Point in time view as at 02/02/2009. This version of this provision has been superseded.*  
*Changes to legislation: Sexual Offences Act 2003, Section 22 is up to date with all changes known to be in force on or before 11 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)*

- (b) <sup>F3</sup> .....  
“children’s home” has—
- (a) in relation to England and Wales, the meaning given by section 1 of the Care Standards Act 2000; <sup>F4</sup> . . .
- (b) <sup>F4</sup> .....  
“community home” has the meaning given by section 53 of the Children Act 1989;
- “education supervision order” has—
- (a) in relation to England and Wales, the meaning given by section 36 of the Children Act 1989; <sup>F5</sup> . . .
- (b) <sup>F5</sup> .....  
“hospital”—
- (a) in relation to England and Wales, means a hospital within the meaning given by [<sup>F6</sup>section 275(1) of the National Health Service Act 2006 or section 206(1) of the National Health Service Act 2006](c. 49), or any other establishment which is a hospital within the meaning given by section 2(3) of the Care Standards Act 2000 (c. 14);
- (b) <sup>F7</sup> .....  
“independent clinic” has—
- (a) in relation to England and Wales, the meaning given by section 2 of the Care Standards Act 2000;
- (b) <sup>F8</sup> .....  
<sup>F9</sup> .....  
<sup>F9</sup> .....  
<sup>F9</sup> .....
- “supervision order” has—
- (a) in relation to England and Wales, the meaning given by section 31(11) of the Children Act 1989 (c. 41); <sup>F10</sup> . . .
- (b) <sup>F10</sup> .....  
“voluntary home” has—
- (a) in relation to England and Wales, the meaning given by section 60(3) of the Children Act 1989. <sup>F11</sup> . . .
- (b) <sup>F11</sup> ..... ]

Textual Amendments	
<b>F1</b>	Ss. 16-24 repealed (N.I.) (2.2.2009) by <a href="#">The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))</a> , arts. 1, 78(b), <a href="#">Sch. 3</a> (with Sch. 2 par. 1); S.R. 2008/510, <a href="#">art. 2</a>
<b>F2</b>	S. 22(5): paragraph (b) of the definition of "authority" omitted (2.2.2009) by virtue of <a href="#">The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779)</a> , arts. 2(3), <a href="#">7(a)</a> ; S.R. 2008/510, <a href="#">art. 2</a>
<b>F3</b>	S. 22(5): paragraph (b) and word in paragraph (a) of the definition of "care order" omitted (2.2.2009) by virtue of <a href="#">The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779)</a> , arts. 2(3), <a href="#">7(b)</a> ; S.R. 2008/510, <a href="#">art. 2</a>
<b>F4</b>	S. 22(5): paragraph (b) and word in paragraph (a) of the definition of "children's home" omitted (2.2.2009) by virtue of <a href="#">The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779)</a> , arts. 2(3), <a href="#">7(c)</a> ; S.R. 2008/510, <a href="#">art. 2</a>

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- F5** S. 22(5): paragraph (b) and word in paragraph (a) of the definition of "education supervision order" omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [7\(d\)](#); S.R. 2008/510, [art. 2](#)
- F6** Words in s. 22(5) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 5, 8, [Sch. 1 para. 238](#) (with Sch. 3 Pt. 1)
- F7** S. 22(5): paragraph (b) of the definition of "hospital" omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [7\(e\)](#); S.R. 2008/510, [art. 2](#)
- F8** S. 22(5): paragraph (b) of the definition of "independent clinic" omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [7\(f\)](#); S.R. 2008/510, [art. 2](#)
- F9** S. 22(5): definitions of "private hospital", "residential care home" and "residential family centre" omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [7\(g\)](#); S.R. 2008/510, [art. 2](#)
- F10** S. 22(5): paragraph (b) and word in paragraph (a) of the definition of "supervision order" omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [7\(h\)](#); S.R. 2008/510, [art. 2](#)
- F11** S. 22(5): paragraph (b) and word in paragraph (a) of the definition of "voluntary home" omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [7\(i\)](#); S.R. 2008/510, [art. 2](#)

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