



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Abuse of position of trust

22 Positions of trust: interpretation

[^{F1}(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) ^{F2}

“care home” means an establishment [^{F3}in England] which is a care home for the purposes of the Care Standards Act 2000 (c. 14);

[^{F4}“care home service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);]

“care order” has—

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(a) in relation to England and Wales, the same meaning as in the Children Act 1989 (c. 41);^{F5} . . .

(b) ^{F5}

“children’s home” has—

(a) in relation to England ^{F6} . . . , the meaning given by section 1 of the Care Standards Act 2000; ^{F7} . . .

(b) ^{F7}

“community home” has [^{F8}, in relation to England] 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; ^{F9} . . .

(b) ^{F9}

[^{F10}“hospital” means—

(a) a hospital as defined by section 275 of the National Health Service Act 2006, or section 206 of the National Health Service (Wales) Act 2006; or

(b) any other establishment—

(i) in England, in which any of the services listed in subsection (6) are provided; and

(ii) in Wales, which is a hospital within the meaning given by section 2(3) of the Care Standards Act 2000;]

“independent clinic” has—

(a) ^{F11} . . . the meaning given by section 2 of the Care Standards Act 2000;

(b) ^{F12}

^{F13}

^{F13}

^{F13}

[^{F14}“secure accommodation service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;]

“supervision order” has—

(a) in relation to England and Wales, the meaning given by section 31(11) of the Children Act 1989 (c. 41); ^{F15} . . .

(b) ^{F15}

“voluntary home” has—

(a) in relation to England ^{F16} . . . , the meaning given by section 60(3) of the Children Act 1989. ^{F17} . . .

(b) ^{F17}

[^{F18}(6) The services referred to in paragraph (b)(i) of the definition of “hospital” are as follows—

(a) medical treatment under anaesthesia or intravenously administered sedation;

(b) dental treatment under general anaesthesia;

(c) obstetric services and, in connection with childbirth, medical services;

(d) termination of pregnancies;

(e) cosmetic surgery, other than—

(i) ear and body piercing;

(ii) tattooing;

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- (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; or
- (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current.]]

Textual Amendments

- F1** Ss. 16-24 repealed (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1, 78(b), **Sch. 3** (with Sch. 2 par. 1); S.R. 2008/510, **art. 2**
- F2** S. 22(5): paragraph (b) of the definition of "authority" omitted (2.2.2009) by virtue of The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 2(3), **7(a)**; S.R. 2008/510, **art. 2**
- F3** Words in s. 22(5) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 22(a)
- F4** Words in s. 22(5) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 22(b)
- F5** S. 22(5): paragraph (b) and word in paragraph (a) of the definition of "care 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(b)**; S.R. 2008/510, **art. 2**
- F6** Words in s. 22(5) omitted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 22(c)
- F7** S. 22(5): paragraph (b) and word in paragraph (a) of the definition of "children's 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(c)**; S.R. 2008/510, **art. 2**
- F8** Words in s. 22(5) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 22(d)
- F9** 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**
- F10** S. 22(5): definition of "hospital" substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 13(3)(a)(i)**
- F11** S. 22(5): words in definition of "independent clinic" omitted (1.10.2010) by virtue of The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 13(3)(a)(ii)**
- F12** 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**
- F13** 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**
- F14** Words in s. 22(5) inserted (29.4.2019) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019 (S.I. 2019/772), **regs. 1(2)**, **25**
- F15** 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**
- F16** Words in s. 22(5) omitted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 22(e)
- F17** 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**
- F18** S. 22(6) added (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/81), **art. 13(3)(b)**

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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\(15\)](#)