



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1 **E+W+N.I.**

SEXUAL OFFENCES

Abuse of position of trust

23 Sections 16 to 19: [^{F1}exception for spouses and civil partners] **E+W**

- [^{F2}(1) Conduct by a person (A) which would otherwise be an offence under any of sections 16 to 19 against another person (B) is not an offence under that section if at the time —
- (a) B is 16 or over, and
 - (b) A and B are lawfully married [^{F3}or civil partners of each other].
- (2) In proceedings for such an offence it is for the defendant to prove that A and B [^{F4}were at the time lawfully married or civil partners of each other].]

Textual Amendments

- F1** S. 23: words in heading substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 173\(4\)](#); S.I. 2005/3175, [art. 2\(1\)\(2\)](#), Sch. 1 (subject to art. 2(3)-(5))
- F2** Ss. 16-24 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1, 78(b), [Sch. 3](#) (with Sch. 2 par. 1);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](#)
- F3** Words in s. 23(1)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 173\(2\)](#); S.I. 2005/3175, [art. 2\(1\)\(2\)](#), Sch. 1 (subject to art. 2(3)-(5))
- F4** Words in s. 23(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 173\(3\)](#); S.I. 2005/3175, [art. 2\(1\)\(2\)](#), Sch. 1 (subject to art. 2(3)-(5))

Status:

Point in time view as at 29/04/2019.

Changes to legislation:

Sexual Offences Act 2003, Section 23 is up to date with all changes known to be in force on or before 05 June 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.