Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Supplementary and general

76 Conclusive presumptions about consent

(1) If in proceedings for an offence to which this section applies it is proved that the defendant did the relevant act and that any of the circumstances specified in subsection (2) existed, it is to be conclusively presumed—
   (a) that the complainant did not consent to the relevant act, and
   (b) that the defendant did not believe that the complainant consented to the relevant act.

(2) The circumstances are that—
   (a) the defendant intentionally deceived the complainant as to the nature or purpose of the relevant act;
   (b) the defendant intentionally induced the complainant to consent to the relevant act by impersonating a person known personally to the complainant.
Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sexual Offences Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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. 21(4)(h) inserted by S.I. 2019/772 reg. 24
- 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
- s. 67A inserted by 2019 c. 2 s. 1(2)
- s. 68(1A) inserted by 2019 c. 2 s. 1(3)
- s. 89(1A) inserted by 2016 asp 22 Sch. 2 para. 3(3)
- s. 108(9) inserted by 2011 c. 18 s. 17(2)
- Sch. 3 para. 34A inserted by 2019 c. 2 s. 1(4)
- Sch. 5 para. 171C-171G inserted by 2018 c. 5 Sch. 12 para. 23