



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 2

#### PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

#### CHAPTER 4

##### OTHER PROVISIONS

##### *Sexual offences*

#### **46 Arranging or facilitating commission of a child sex offence**

- (1) Section 14 of the Sexual Offences Act 2003 (arranging or facilitating commission of a child sex offence) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1), in paragraph (b), for “9” substitute “5”.
- (3) In subsection (4), for paragraphs (a) and (b) substitute “to the penalty to which the person would be liable on conviction of the offence within subsection (1)(b)”.

#### **Commencement Information**

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| <b>11</b> | S. 46 not in force at Royal Assent, see <a href="#">s. 208(1)</a>  |
| <b>12</b> | <a href="#">S. 46</a> in force at 28.6.2022 by <a href="#">S.I. 2022/520</a> , <a href="#">reg. 5(d)</a> |

#### **47 Positions of trust**

- (1) The Sexual Offences Act 2003 is amended as follows.

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*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual offences. (See end of Document for details)*

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(2) After section 22 insert—

**“22A Further positions of trust**

- (1) For the purposes of sections 16 to 19, a person (A) is in a position of trust in relation to another person (B) if—
    - (a) A coaches, teaches, trains, supervises or instructs B, on a regular basis, in a sport or a religion, and
    - (b) A knows that they coach, teach, train, supervise or instruct B, on a regular basis, in that sport or religion.
  - (2) In subsection (1)—
 

“sport” includes—

    - (a) any game in which physical skill is the predominant factor, and
    - (b) any form of physical recreation which is also engaged in for purposes of competition or display;

“religion” includes—

      - (a) a religion which involves belief in more than one god, and
      - (b) a religion which does not involve belief in a god.
  - (3) This section does not apply where a person (A) is in a position of trust in relation to another person (B) by virtue of circumstances within section 21.
  - (4) The Secretary of State may by regulations amend subsections (1) and (2) to add or remove an activity in which a person may be coached, taught, trained, supervised or instructed.”
- (3) In section 138(2) (orders and regulations) after “section 21,” insert “22A,”.

**Commencement Information**

**I3** [S. 47](#) in force at 28.6.2022, see [s. 208\(5\)\(c\)](#)

**48 Voyeurism: breast-feeding**

- (1) Section 67A of the Sexual Offences Act 2003 (voyeurism: additional offences) is amended as follows.
- (2) After subsection (2) insert—
 

“(2A) A person (A) commits an offence if—

  - (a) A operates equipment,
  - (b) A does so with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe another (B) while B is breast-feeding a child, and
  - (c) A does so—
    - (i) without B’s consent, and
    - (ii) without reasonably believing that B consents.

(2B) A person (A) commits an offence if—

  - (a) A records an image of another (B) while B is breast-feeding a child,

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual offences. (See end of Document for details)

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- (b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
  - (c) A does so—
    - (i) without B’s consent, and
    - (ii) without reasonably believing that B consents.”
- (3) In subsection (3), for “and (2)” substitute “to (2B)”.
- (4) After subsection (3) insert—
  - “(3A) In this section a reference to B breast-feeding a child includes B re-arranging B’s clothing—
    - (a) in the course of preparing to breast-feed the child, or
    - (b) having just finished breast-feeding the child.
  - (3B) It is irrelevant for the purposes of subsections (2A) and (2B)—
    - (a) whether or not B is in a public place while B is breast-feeding the child,
    - (b) whether or not B’s breasts are exposed while B is breast-feeding the child, and
    - (c) what part of B’s body—
      - (i) is, or is intended by A to be, visible in the recorded image, or
      - (ii) is intended by A to be observed.”

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**Commencement Information**

- I4** S. 48 not in force at Royal Assent, see [s. 208\(1\)](#)
- I5** [S. 48](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(e\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual offences.