



# 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)”.

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

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

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*Status: This is the original version (as it was originally enacted).*

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- (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,”.

#### **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,
- (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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.”