

# Sexual Offences Act 1956

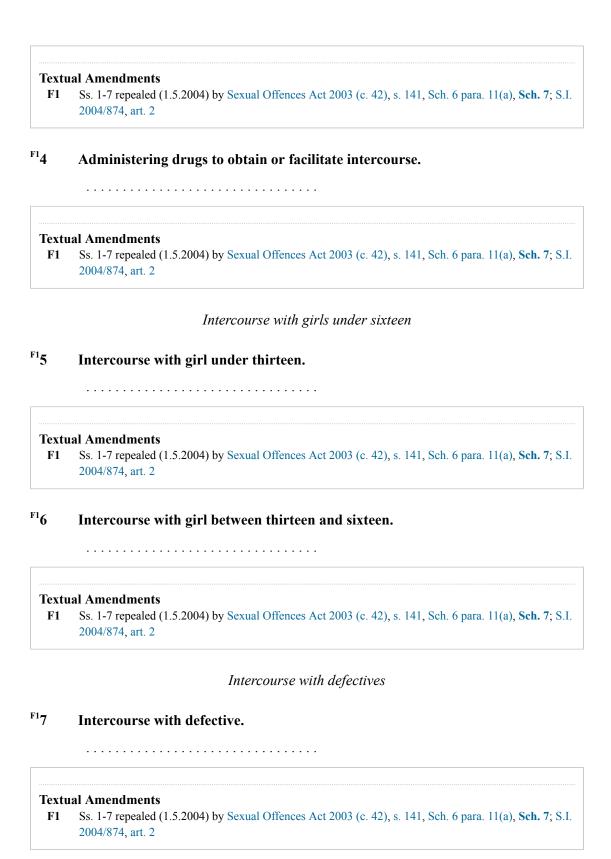
# 1956 CHAPTER 69 4 and 5 Eliz 2

## PART I

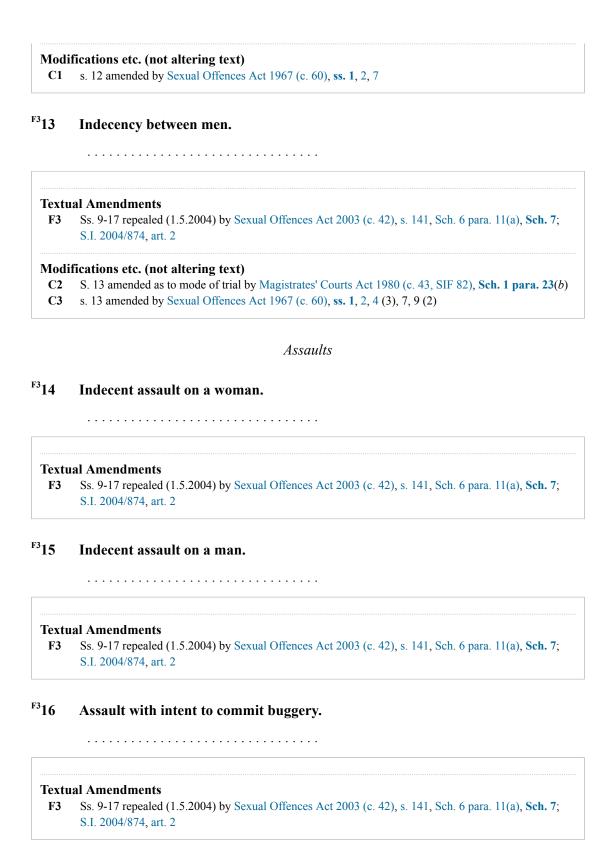
OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

Intercourse by force, intimidation, etc.

<sup>-1</sup> 1	Rape of woman or man.
Textu F1	ral Amendments Ss. 1-7 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2
<sup>F1</sup> 2	Procurement of woman by threats.
Textu F1	ral Amendments Ss. 1-7 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2
<sup>F1</sup> 3	Procurement of woman by false pretences.



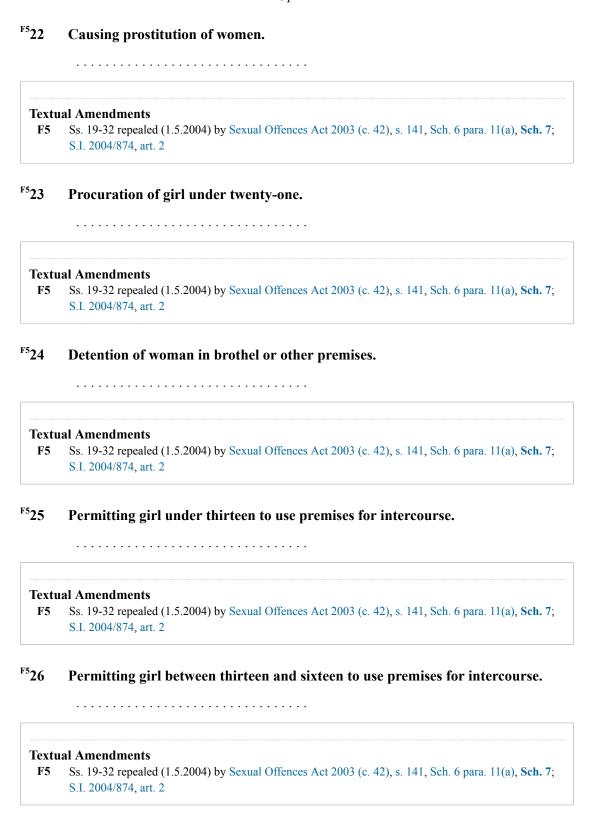
8	F2
Textu F2	Ial Amendments S. 8 repealed by Mental Health Act 1959 (c. 72), Sch. 8 Pt. I
<sup>F3</sup> 9	Procurement of defective.
Textu F3	Ss. 9-17 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2
	Incest
<sup>F3</sup> 10	Incest by a man.
Textu F3	Tal Amendments Ss. 9-17 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2
<sup>F3</sup> 11	Incest by a woman.
Textu F3	Ss. 9-17 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2
	Unnatural offences
<sup>F3</sup> 12	Buggery.
Textu F3	Ss. 9-17 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S. I. 2004/874, art. 2



## Abduction

<sup>F3</sup> 17	Abduction of woman by force or for the sake of her property.													
Textu	nal Amendments													
F3	Ss. 9-17 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), <b>Sch. 7</b> ; S.I. 2004/874, art. 2													
18	F4													
Textu F4	nal Amendments S. 18 repealed by Family Law Reform Act 1969 (c. 46), s. 11													
<sup>F5</sup> 19	Abduction of unmarried girl under eighteen from parent or guardian.													
F5	<b>Ss.</b> 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), <b>Sch. 7</b> ; S.I. 2004/874, art. 2													
F520	Abduction of unmarried girl under sixteen from parent or guardian.													
Textu	nal Amendments													
F5	Ss. 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), <b>Sch. 7</b> ; S.I. 2004/874, art. 2													
<sup>F5</sup> 21	Abduction of defective from parent or guardian.													
Textu	al Amendments													
F5	Ss. 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2													

Prostitution, procuration etc.



<sup>F5</sup> 27	Permitting defective to use premises for intercourse.													
F5	all Amendments Ss. 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2													
F528	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen.													
Textu F5	<b>Ss.</b> 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), <b>Sch. 7</b> ; S.I. 2004/874, art. 2													
<sup>F5</sup> 29	Causing or encouraging prostitution of defective.													
Text	ıal Amendments													
F5	Ss. 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2													
F530	Man living on earnings of prostitution.													
Texti	ıal Amendments													
F5	Ss. 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), <b>Sch. 7</b> ; S.I. 2004/874, art. 2													
F531	Woman exercising control over prostitute.													
Texti	ıal Amendments													
F5	Ss. 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2													

#### Solicitation

# F532 Solicitation by men.

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#### **Textual Amendments**

F5 Ss. 19-32 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2

#### Suppression of brothels

## 33 Keeping a brothel.

It is an offence for a person to keep a brothel, or to manage, or act or assist in the management of, a brothel.

#### **Modifications etc. (not altering text)**

C4 s. 33 extended by Sexual Offences Act 1967 (c. 60), s. 6

## [<sup>F6</sup>33A Keeping a brothel used for prostitution

- (1) It is an offence for a person to keep, or to manage, or act or assist in the management of, a brothel to which people resort for practices involving prostitution (whether or not also for other practices).
- (2) In this section "prostitution" has the meaning given by section 51(2) of the Sexual Offences Act 2003.]

#### **Textual Amendments**

F6 S. 33A inserted (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 55(2), 141; S.I. 2004/874, art. 2

#### Landlord letting premises for use as brothel.

It is an offence for the lessor or landlord of any premises or his agent to let the whole or part of the premises with the knowledge that it is to be used, in whole or in part, as a brothel, or, where the whole or part of the premises is used as a brothel, to be wilfully a party to that use continuing.

#### **Modifications etc. (not altering text)**

C5 s. 34 extended by Sexual Offences Act 1967 (c. 60), s. 6

#### Tenant permitting premises to be used as brothel.

- (1) It is an offence for the tenant or occupier, or person in charge, of any premises knowingly to permit the whole or part of the premises to be used as a brothel.
- (2) Where the tenant or occupier of any premises is convicted F7... of knowingly permitting the whole or part of the premises to be used as a brothel, the First Schedule to this Act shall apply to enlarge the rights of the lessor or landlord with respect to the assignment or determination of the lease or other contract under which the premises are held by the person convicted.
- (3) Where the tenant or occupier of any premises is so convicted, F8... and either—
  - (a) the lessor or landlord, after having the conviction brought to his notice, fails or failed to exercise his statutory rights in relation to the lease or contract under which the premises are or were held by the person convicted; or
  - (b) The lessor or landlord, after exercising his statutory rights so as to determine that lease or contract, grants or granted a new lease or enters or entered into a new contract of tenancy of the premises to, with or for the benefit of the same person, without having all reasonable provisions to prevent the recurrence of the offence inserted in the new lease or contract;

then, if subsequently an offence under this section is committed in respect of the premises during the subsistence of the lease or contract referred to in paragraph (a) of this subsection or (where paragraph (b) applies) during the subsistence of the new lease or contract, the lessor or landlord shall be deemed to be a party to that offence unless he shows that he took all reasonable steps to prevent the recurrence of the offence.

References in this subsection to the statutory rights of a lessor or landlord refer to his rights under the First Schedule to this Act <sup>F8</sup>....

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Textual Amendments
F7 Words in s. 35(2) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3
F8 Words in s. 35(3) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

Modifications etc. (not altering text)
C6 s. 35 extended by Sexual Offences Act 1967 (c. 60), s. 6
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## **Tenant permitting premises to be used for prostitution.**

It is an offence for the tenant or occupier of any premises knowingly to permit the whole or part of the premises to be used for the purposes of habitual prostitution. [F9(whether any prostitute involved is male or female)]

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Textual Amendments
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**F9** Words in s. 36 inserted (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 1 para. 1**; S.I. 2004/874, art. 2

#### Powers and procedure for dealing with offenders

## **Prosecution and punishment of offences.**

- (1) The Second Schedule to this Act shall have effect, subject to and in accordance with the following provisions of this section, with respect to the prosecution and punishment of the offences listed in the first column of the Schedule, being the offences under this Act and attempts to commit certain of those offences.
- (2) The second column in the Schedule shows, for any offence, if it may be prosecuted on indictment or summarily, or either, . . . <sup>F10</sup> and what special restrictions (if any) there are on the commencement of a prosecution.
- (3) The third column in the Schedule shows, for any offence, the punishments which may be imposed on conviction on indictment or on summary conviction, a reference to a period giving the maximum term of imprisonment and a reference to a sum of money the maximum fine.
- (4) The fourth column in the Schedule contains provisions which are either supplementary to those in the second or third column or enable a person charged on indictment with the offence specified in the first column to be found guilty of another offence if the jury are not satisfied that he is guilty of the offence charged or of an attempt to commit it, but are satisfied that he is guilty of the other offence.
- (5) A provision in the fourth column of the Schedule enabling the jury to find the accused guilty of an offence specified in that provision authorises them, if not satisfied that he is guilty of the offence so specified, to find him guilty of any other offence of which they could find him guilty if he had been indicted for the offence so specified.
- (6) Where in the Schedule there is used a phrase descriptive of an offence or group of offences followed by a reference to a section by its number only, the reference is to a section of this Act, and the phrase shall be taken as referring to any offence under the section mentioned.
- (7) Nothing in this section or in the Second Schedule to this Act shall exclude the application to any of the offences referred to in the first column of the Schedule—
  - (a) [F11 of [F12] section 24 of the Magistrates' Courts Act 1980] (which relates] to the summary trial of young offenders for indictable offences); or
  - (b) of [F13 subsection (5) of section 121 of the Magistrates' Courts Act 1980] (which limits the punishment which may be imposed by a magistrates' court sitting in an occasional courthouse); or
  - (c) of any enactment or rule of law restricting a court's power to imprison; or
  - (d) of any enactment or rule of law authorising an offender to be dealt with in a way not authorised by the enactments specially relating to his offence; or
  - (e) of any enactment or rule of law authorising a jury to find a person guilty of an offence other than that with which he is charged.

#### **Textual Amendments**

- F10 Words repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV
- F11 Words substituted by Children and Young Persons Act 1969 (c. 54), Sch. 5 para. 27
- F12 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 para. 17(a)
- F13 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 para. 17(b)

<sup>F14</sup> 38	
Textu F14	al Amendments S. 38 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(7), Sch. 12 para. 15, Sch.15 (with Sch. 14 paras. 1(1) and 27(4)); S.I. 1991/828, art. 3(2)
39	F15
Textu F15	al Amendments Ss. 12(2)(3), 15(4)(5), 16(2)(3), 39, repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), Sch. 7 Pt. V
	Powers of arrest and search
40	F16
Textu F16	al Amendments S. 40 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), Sch. 7 Pt. I
<sup>F17</sup> 41	Power of arrest in cases of trading in prostitution, or of soliciting by men.
Textu F17	<b>al Amendments</b> Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), <b>Sch. 7</b> ; S.I. 2004/874, art. 2
<sup>F17</sup> 42	Power of search in case of man living on earnings of prostitution.
Textu F17	al Amendments Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2
<sup>F17</sup> 43	Power to search for and remove woman detained for immoral purposes.

# **Textual Amendments** F17 Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2 *Interpretation* F1744 Meaning of "sexual intercourse". **Textual Amendments** F17 Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2 F1745 Meaning of "defective". **Textual Amendments** F17 Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2 F1746 Use of words "man", "boy", "woman" and "girl". **Textual Amendments** F17 Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2 **Modifications etc. (not altering text)** s. 46 amended by Sexual Offences (Amendment) Act 1976 (c. 82), s. 7 (2) F17 F1846 Meaning of parental responsibility. **Textual Amendments** F17 Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2

F18 S. 46A inserted (14.10.1991 by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para.17 (with

Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)

F1747 Proof of exceptions.
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Textual Amendments F17 Ss. 41-47 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 11(a), Sch. 7; S.I. 2004/874, art. 2
PART II
SUPPLEMENTARY
Consequential amendments
48 Amendments of Acts not consolidated.
The enactments mentioned in the first column of the Third Schedule to this Act sha be amended as shown in the second column of that Schedule.
Modifications etc. (not altering text)  C8 The text of s. 48 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.  F19
Textual Amendments F19 S. 49 repealed by Sexual Offences (Scotland) Act 1976 (c. 67), Sch. 2
50 Adaptation of enactments applying to Northern Ireland.
(1) In Northern Ireland, a conviction under section thirty-three, thirty-four, thirty-five of thirty-six of this Act shall be taken into account under section three of the MI Crimina Law Amendment Act (Northern Ireland) 1923, in the same way as a conviction under section thirteen of the M2 Criminal Law Amendment Act 1885.
(2)
Textual Amendments F20 S. 50(2) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I
Marginal Citations M1 1923 c. 8 (N.I.) M2 1885 c. 69.

51																																	F21	l
31	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		

#### **Textual Amendments**

F21 S. 51 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

#### 52 Savings, etc.

(1) Nothing in this Act shall affect any previous enactment in its operation in relation to offences under any such enactment committed or partly committed before the commencement of this Act, or in relation to anything done before that commencement under the authority or for the purposes of any such enactment:

F**22** 

- (2) Subject to the provisions of this Act, and in particular to those of the Third Schedule, any reference in any document to an enactment repealed by this Act shall be construed as referring, or as including a reference, to the corresponding provision of this Act, so far as may be necessary to prevent this Act altering the substantial effect of the document.
- (3) Without prejudice to the last foregoing subsection any reference in any document to an offence under an enactment repealed by this Act, if it referred, or included a reference, to an attempt to commit an offence under such an enactment, shall be construed as referring, or as including a reference, to an attempt to commit the corresponding offence under this Act, so far as may be necessary to prevent this Act altering the substantial effect of the document.
- (4) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section thirty-eight of the M3 Interpretation Act 1889 (which relates to the effect of repeals).

#### **Textual Amendments**

F22 Words in s. 52(1) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

#### **Marginal Citations**

**M3** 1889 c. 63.

## 53 Construction of references to enactments.

Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by any subsequent enactment, including this Act.

#### 54 Extent.

- (1) This Act shall not extend to Scotland, F23. . . .
- (2) This Act shall not extend to Northern Ireland, except section fifty F23....

#### **Textual Amendments**

**F23** Words in s. 54(1)(2) repealed (5.11.1993) by Statute Law (Repeals) Act 1993 c. 50, s. 1(1), **Sch. 1 Pt.** I Gp. 1

## 55 Short title.

This Act may be cited as the Sexual Offences Act 1956.

## 56 Commencement.

This Act shall come into force on the first day of January, nineteen hundred and fifty-seven.

# **Changes to legislation:**

There are currently no known outstanding effects for the Sexual Offences Act 1956.