

SEXUAL OFFENCES ACT 1956

4 & 5 ELIZ. 2, CHAPTER 69

(Extracts)

PART I

OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

Intercourse with defectives

Intercourse with defective¹

7.—(1) It is an offence, subject to the exception mentioned in this section, for a man to have unlawful sexual intercourse with a woman who is a defective.

(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective.

8. [*Repealed by Mental Health Act 1959, s. 127(1)*]

Procurement of defective

9.—(1) It is an offence, subject to the exception mentioned in this section, for a person to procure a woman who is a defective to have unlawful sexual intercourse in any part of the world.

(2) A person is not guilty of an offence under this section because he procures a defective to have unlawful sexual intercourse, if he does not know and has no reason to suspect her to be a defective.

Incest

Incest by a man

10.—(1) It is an offence for a man to have sexual intercourse with a woman whom he knows to be his grand-daughter, daughter, sister or mother.

(2) In the foregoing subsection "sister" includes half-sister,

¹ Section 7 substituted by Mental Health Act 1959, s. 127(1).

and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

Incest by a woman

11.—(1) It is an offence for a woman of the age of sixteen or over to permit a man whom she knows to be her grandfather, father, brother or son to have sexual intercourse with her by consent.

(2) In the foregoing subsection “brother” includes half-brother, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

Abduction

Abduction of a defective from parent or guardian

21.—(1) It is an offence, subject to the exception mentioned in this section, for a person to take a woman who is a defective out of the possession of her parent or guardian against his will, if she is so taken with the intention that she shall have unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he takes such a woman out of the possession of her parent or guardian as mentioned above, if he does not know and has no reason to suspect her to be a defective.

(3) In this section “guardian” means any person having the [parental responsibility for or care of]¹ the woman.

Prostitution, procuration etc.

Permitting defective to use premises for intercourse

27.—(1) It is an offence, subject to the exception mentioned in this section, for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a woman who is a defective to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he induces or knowingly suffers a defective to resort to or be on any premises for the purpose mentioned, if he does not know and has no reason to suspect her to be a defective.

¹ Words in square brackets substituted w.e.f. 14 October 1991 by Children Act 1989, s. 108(4) and Sch. 12, para. 13.

Causing or encouraging prostitution of defective

29.—(1) It is an offence, subject to the exception mentioned in this section, for a person to cause or encourage the prostitution in any part of the world of a woman who is a defective.

(2) A person is not guilty of an offence under this section because he causes or encourages the prostitution of such a woman, if he does not know and has no reason to suspect her to be a defective.

Powers and procedure for dealing with offenders

Powers of court in case of incest with girl under twenty-one

[Repealed w.e.f. 14 October 1991 by Children Act 1989, Sch. 12, para. 15] s. 108(7) and Sch. 15.

Interpretation

Meaning of “defective”¹

45. In this Act “defective” means a person suffering from [a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning].

Meaning of parental responsibility²

46A. In this Act “parental responsibility” has the same meaning as in the Children Act 1989.

Proof of exceptions

47. Where in any of the foregoing sections the description of an offence is expressed to be subject to exceptions mentioned in the section, proof of the exception is to lie with the person relying on it.

¹ Section 45 substituted by Mental Health Act 1959, s. 127(1) and words in square brackets substituted by Mental Health (Amendment) Act 1982, s. 65(1) and Sch. 3.

² Section 46A inserted w.e.f. 14 October 1991 by Children Act 1989, s. 108(4) and Sch. 12, para. 17.

Section 375 of the Sexual Offences Act 1956 defines rape as an act of intercourse with a woman who is under the age of 16 years, or who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 376 of the Sexual Offences Act 1956 defines indecent assault as an act of indecent assault on a woman, or an act of indecent assault on a man, or an act of indecent assault on a child, or an act of indecent assault on a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 377 of the Sexual Offences Act 1956 defines gross indecency as an act of gross indecency between two persons, or an act of gross indecency between a person and an animal, or an act of gross indecency between a person and an object, or an act of gross indecency between a person and a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 378 of the Sexual Offences Act 1956 defines the offence of procuring a woman to have intercourse with a man who is not her husband, or a man to have intercourse with a woman who is not his wife, or a person to have intercourse with a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 379 of the Sexual Offences Act 1956 defines the offence of procuring a woman to have intercourse with a man who is not her husband, or a man to have intercourse with a woman who is not his wife, or a person to have intercourse with a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 380 of the Sexual Offences Act 1956 defines the offence of procuring a woman to have intercourse with a man who is not her husband, or a man to have intercourse with a woman who is not his wife, or a person to have intercourse with a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 381 of the Sexual Offences Act 1956 defines the offence of procuring a woman to have intercourse with a man who is not her husband, or a man to have intercourse with a woman who is not his wife, or a person to have intercourse with a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 382 of the Sexual Offences Act 1956 defines the offence of procuring a woman to have intercourse with a man who is not her husband, or a man to have intercourse with a woman who is not his wife, or a person to have intercourse with a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.

Section 383 of the Sexual Offences Act 1956 defines the offence of procuring a woman to have intercourse with a man who is not her husband, or a man to have intercourse with a woman who is not his wife, or a person to have intercourse with a person who is incapable of consenting to the act, or who is so intoxicated as to be unable to understand the nature of the act, or who is so threatened as to be unable to resist, or who is so deceived as to believe that the act is lawful.