The Sexual Offences Act 2003

There are about 72 offences defined in the Act but it broadly distinguishes between:

- Rape
- Assault by penetration
- Sexual Assault
- Causing sexual activity without consent
- Sexual Activity with a child

Rape involves penetration by a penis of the vagina, anus or mouth of another person without consent of that person. The issue of consent is often contested by defendants in court and is a potential minefield for the prosecution. Rape is thus distinguished from Assault by Penetration because the latter involves penetration of the vagina or anus by another part of the perpetrator’s body or an object.

From these definitions, we can see that women are unable to commit the offence of rape though they are able to commit the offence of Assault by Penetration.

There follows the legal definitions of some of the common offences under the Act.

Bear in mind that these are all legal definitions and that is not what Sue Lambert Trust is about. We are concerned with the aftermath of a sexual assault and what the client has been left with from their experience, and how that experience has affected their day to day lives.

1. Rape

A person (A) commits an offence if—

- he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis;
- B does not consent to the penetration; and
- A does not reasonably believe that B consents.

Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

A person guilty of an offence under this section is liable, on conviction, to imprisonment for life.

2. Assault by penetration

A person (A) commits an offence if—
• He intentionally penetrates the vagina or anus of another person (B) with apart of his body or anything else;
• The penetration is sexual;
• B does not consent to the penetration; and
• A does not reasonably believe that B consents.

Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

A person guilty of an offence under this section is liable, on conviction, to imprisonment for life.

3. Sexual assault

A person (A) commits an offence if—
• He intentionally touches another person (B);
• The touching is sexual;
• B does not consent to the touching; and
• A does not reasonably believe that B consents.

Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

A person guilty of an offence under this section is liable, on conviction, to imprisonment for a term not exceeding 10 years.

Section 9. Sexual activity with a child

A person aged 18 or over (A) commits an offence if—
• He intentionally touches another person (B),
• the touching is sexual, and either—

B is under 16 and A does not reasonably believe that B is 16 or over, or

B is under 13.

A person is guilty of an offence under this section, if the touching involved—
• penetration of B’s anus or vagina with a part of A’s body or anything else,
• penetration of B’s mouth with A’s penis,
• penetration of A’s anus or vagina with a part of B’s body, or
• penetration of A’s mouth with B’s penis,

A person found guilty of an offence under this section is liable to imprisonment for a term
Other child sexual offences

Section 10. Causing or inciting a child to engage in sexual activity
Section 11. Engaging in sexual activity in the presence of a child
Section 12. Causing a child to watch a sexual act
Section 13. Child sex offences committed by children or young persons
Section 14. Arranging or facilitating commission of a child sex offence
Section 15. Meeting a child following sexual grooming etc

Child sexual offences with a child under 13

Section 5. Rape of a child under 13
Section 6. Assault of a child under 13 by penetration
Section 7. Sexual assault of a child under 13
Section 8. Causing or inciting a child under 13 to engage in sexual activity