

Changes to legislation: Sexual Offences Act 2003, Cross Heading: General is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

SEXUAL OFFENCES FOR PURPOSES OF PART 2

Modifications etc. (not altering text)

- C1** Sch. 3 modified (28.6.2022) by 2007 c. 21, s. 28(4ZA) (as inserted by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 146(c), 208(5)(p))
- C1** Sch. 3 modified (S.) (31.3.2023) by Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), ss. 25(3), 45(2)(3) (with s. 44); S.S.I. 2023/51, reg. 2 (with reg. 3)

General

- 94 A reference in a preceding paragraph to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
 - (b) except in paragraphs 36 to 43, a reference to aiding, abetting, counselling or procuring the commission of that offence.
- [^{F1}94A A reference in a preceding paragraph to an offence (“offence A”) includes a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed.]

Textual Amendments

- F1** Sch. 3 para. 94A inserted (E.W.N.I.) (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(2), 94, Sch. 6 para. 63(2) (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

- 95 A reference in a preceding paragraph to a person’s age is—
- (a) in the case of an indecent photograph, a reference to the person’s age when the photograph was taken;
 - (b) in any other case, a reference to his age at the time of the offence.
- 96 In this Schedule “community sentence” has—
- (a) in relation to England and Wales, the same meaning as in [^{F2}the Sentencing Code], and
 - (b) in relation to Northern Ireland, the same meaning as in the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

Textual Amendments

- F2** Words in Sch. 3 para. 96(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 216 (with Sch. 27); S.I. 2020/1236, reg. 2

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- 97 For the purposes of paragraphs 14, 44 and 78—
- (a) a person is to be taken to have been under 16 at any time if it appears from the evidence as a whole that he was under that age at that time;
 - (b) section 7 of the Protection of Children Act 1978 (c. 37) (interpretation), subsections (2) to (2C) [^{F3}and (8) to (10)] of section 52 of the Civic Government (Scotland) Act 1982 (c. 45), and Article 2(2) and (3) of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (interpretation) (respectively) apply as each provision applies for the purposes of the Act or Order of which it forms part.

Textual Amendments

- F3** Words in Sch. 3 para. 97(b) substituted (S.) (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 41(3)(b)**, 206(1); S.S.I. 2010/413, art. 2, **Sch.**

- 98 A determination under paragraph 60 constitutes part of a person's sentence, within the meaning of the Criminal Procedure (Scotland) Act 1995 (c. 46), for the purposes of any appeal or review.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by [2015 c. 9 \(N.I.\) Sch. 1 para. 123\(1\)Sch. 9 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by [2022 c. 32 s. 178\(7\)\(b\)](#)
- s. 103E(5C)(5D) inserted by [2022 c. 32 s. 178\(8\)](#)
- s. 103F(3B) inserted by [2022 c. 32 s. 178\(9\)\(a\)](#)
- s. 103FA103FB inserted by [2022 c. 32 s. 178\(10\)](#)
- s. 108(9) inserted by [2011 c. 18 s. 17\(2\)](#)
- s. 122A(8A) inserted by [2022 c. 32 s. 178\(11\)\(a\)](#)
- s. 122A(9B) inserted by [2022 c. 32 s. 178\(11\)\(b\)](#)
- s. 122D(4C)(4D) inserted by [2022 c. 32 s. 178\(12\)](#)
- s. 122E(3B) inserted by [2022 c. 32 s. 178\(13\)\(a\)](#)
- s. 122EA122EB inserted by [2022 c. 32 s. 178\(14\)](#)
- s. 136ZA(3) inserted by [2022 c. 32 s. 178\(15\)](#)