



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Abuse of position of trust

22 Positions of trust: interpretation

- (1) The following provisions apply for the purposes of section 21.
- (2) Subject to subsection (3), a person looks after persons under 18 if he is regularly involved in caring for, training, supervising or being in sole charge of such persons.
- (3) A person (A) looks after another person (B) on an individual basis if—
 - (a) A is regularly involved in caring for, training or supervising B, and
 - (b) in the course of his involvement, A regularly has unsupervised contact with B (whether face to face or by any other means).
- (4) A person receives education at an educational institution if—
 - (a) he is registered or otherwise enrolled as a pupil or student at the institution, or
 - (b) he receives education at the institution under arrangements with another educational institution at which he is so registered or otherwise enrolled.
- (5) In section 21—
 - “authority”—
 - (a) in relation to England and Wales, means a local authority;
 - (b) in relation to Northern Ireland, has the meaning given by Article 2(2) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));“care home” means an establishment which is a care home for the purposes of the Care Standards Act 2000 (c. 14);
 - “care order” has—

Status: This is the original version (as it was originally enacted).

- (a) in relation to England and Wales, the same meaning as in the Children Act 1989 (c. 41), and
- (b) in relation to Northern Ireland, the same meaning as in the Children (Northern Ireland) Order 1995;
“children’s home” has—
 - (a) in relation to England and Wales, the meaning given by section 1 of the Care Standards Act 2000, and
 - (b) in relation to Northern Ireland, the meaning that would be given by Article 9 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)) (“the 2003 Order”) if in paragraph (4) of that Article sub-paragraphs (d), (f) and (g) were omitted;“community home” has the meaning given by section 53 of the Children Act 1989;
“education supervision order” has—
 - (a) in relation to England and Wales, the meaning given by section 36 of the Children Act 1989, and
 - (b) in relation to Northern Ireland, the meaning given by Article 49(1) of the Children (Northern Ireland) Order 1995;“hospital”—
 - (a) in relation to England and Wales, means a hospital within the meaning given by section 128(1) of the National Health Service Act 1977 (c. 49), or any other establishment which is a hospital within the meaning given by section 2(3) of the Care Standards Act 2000 (c. 14);
 - (b) in relation to Northern Ireland, means a hospital within the meaning given by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)), or any other establishment which is a hospital within the meaning given by Article 2(2) of the 2003 Order;“independent clinic” has—
 - (a) in relation to England and Wales, the meaning given by section 2 of the Care Standards Act 2000;
 - (b) in relation to Northern Ireland, the meaning given by Article 2(2) of the 2003 Order;“private hospital” has the meaning given by Article 90(2) of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));
“residential care home” means an establishment which is a residential care home for the purposes of the 2003 Order;
“residential family centre” has the meaning given by section 22 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3);
“supervision order” has—
 - (a) in relation to England and Wales, the meaning given by section 31(11) of the Children Act 1989 (c. 41), and
 - (b) in relation to Northern Ireland, the meaning given by Article 49(1) of the Children (Northern Ireland) Order 1995 (S.I. 1995/ 755 (N.I. 2));“voluntary home” has—
 - (a) in relation to England and Wales, the meaning given by section 60(3) of the Children Act 1989, and

- (b) in relation to Northern Ireland, the meaning given by Article 74(1) of the Children (Northern Ireland) Order 1995.