

Sexual Offences

- 16** **Buggery – repealed wef May 2004**
- 17** **Indecent Assault on a Male – wef May 2004**
split into:
- 17A** **Sexual Assault on a Male aged 13 and over**
- 17B** **Sexual Assault on a Male Child under 13**
- 18** **Gross Indecency between Males – repealed**
wef May 2004
- 19A** **Rape of a Female - wef May 2004 split into:**
- 19C** **Rape of a Female aged 16 and over**
- 19D** **Rape of a Female Child under 16**
- 19E** **Rape of a Female Child under 13**
- 19B** **Rape of a Male – wef May 2004 split into:**
- 19F** **Rape of a Male aged 16 and over**
- 19G** **Rape of a Male Child under 16**
- 19H** **Rape of a Male Child under 13**
- 20** **Indecent Assault on a Female – wef May 2004**
split into:
- 20A** **Sexual Assault on a Female aged 13 and over**
- 20B** **Sexual Assault on a Female Child under 13**
- 21** **Sexual Activity involving a Child under 13 –**
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- 22** **Unlawful Sexual Intercourse with Girl under 16**
– repealed wef May 2004

- 22A** [Causing Sexual Activity without Consent –
wef May 2004](#)
- 22B** [Sexual Activity involving a Child under 16 –
wef May 2004](#)
- 23** [Incest or Familial Sexual Offences
\(previously titled Incest\)](#)
- 24** [Exploitation of Prostitution – wef May 2004](#)
- 25** [Abduction of female – repealed wef May 2004](#)
- ~~**26**~~ ~~[Bigamy](#)~~ (moved to Other Offences on 1
April 2008)
- 27** [Soliciting for the Purpose of Prostitution
– wef May 2004](#)
- 70** [Sexual Activity etc with a Person with a Mental
Disorder – wef May 2004](#)
- 71** [Abuse of Children through Prostitution and
Pornography – wef May 2004](#)
- 72** [Trafficking for Sexual Exploitation – wef
May 2004](#)
- 73** [Abuse of Position of Trust of a Sexual Nature –
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- 74** [Gross Indecency with a Child– repealed wef
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- 88A** [Sexual Grooming – wef May 2004](#)
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16 Buggery Classification (1 of 1)

WITH EFFECT FROM MAY 2004 ALL LEGISLATION UNDER THIS CLASSIFICATION IS REPEALED BY THE SEXUAL OFFENCES ACT 2003.

CLASS 16 STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

16/5 Buggery or act of gross indecency
(V) by male member of staff of hospital
or mental nursing home with male patient.
Mental Health Act 1959 Sec 128(1)(a).

16/6 Buggery or act of gross indecency
(V) by man with mentally disordered male
patient who is the subject of his care.
Mental Health Act 1959 Sec 128(1)(b).

16/11 Assault with intent to commit buggery.
(V) *Sexual Offences Act 1956 Sec 16.*

16/12-21 Buggery and attempted buggery.
(V) *Sexual Offences Act 1956 Sec 12.*

16/22 Buggery with an animal.
(S) *Sexual Offences Act 1956 Sec 12.*

16/23-28 Buggery and attempted buggery.
(V) *Sexual Offences Act 1956 Sec 12.*
(as amended by Sexual Offences
(Amendment) Act 2000 Sec 1).

CLASSIFICATION: UNWILLING VICTIM

If the victim is unwilling, then the crime should be classified as either female rape (class 19A) or male rape (class 19B) as appropriate.

COVERAGE - LEGAL: (BUGGERY FROM 1 JANUARY 2001)

Buggery (ie anal intercourse) between two people should not be recorded as a crime if it takes place in private, and both parties are 16 or over.

COVERAGE - LEGAL: MENTAL HEALTH OFFENCES

SEXUAL OFFENCES ACT 1967 SEC 1(4)

The original Mental Health Act Sec 128 offences relate to having unlawful sexual intercourse with a woman (classes 19/3,4). The Sexual Offences Act 1967 extends this to include buggery or other acts of gross indecency with another man.

16 Buggery Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH RELATIONSHIP.

EXAMPLE 1: Three separate pairs of men are reported committing buggery in a park.

Three crimes (class 16).

EXAMPLE 2: Three persons acting together assault a fourth with the intention of committing buggery but are prevented.

One crime (class 16).

APPLICATION OF THE RULE

If a person has been bugged by more than one other man, count these crimes separately, unless the perpetrators have been acting together as a group.

Example 1: Two men are bugged by four other members of a group in a public place.

Two crimes (class 16).

If the number of relationships cannot be determined, count one crime.

Buggery with an animal: One crime for each offender or group of offenders.

Finished Incidents: see also General Rules Section E.

Example 1: A man admits to having committed buggery with a boy under 16 on numerous occasions over several years. The boy was willing, and no previous reports have been made.

One crime (class 16).

17 Indecent Assault on a Male

Classification (1 of 1)

WITH EFFECT FROM MAY 2004 THIS OFFENCE CLASSIFICATION IS SPLIT INTO CODES 17A AND 17B.

CLASS 17 STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

17/11 Indecent assault on male person
(V) under 16 years.
Sexual Offences Act 1956 Sec 15.

17/12 Indecent assault on male person
(V) 16 years and over.
Sexual Offences Act 1956 Sec 15.

COVERAGE – LEGAL: WILLING VICTIM

SEXUAL OFFENCES ACT 1956 SEC 15

This law presumes that a crime has not taken place if the victim is willing, except when he is under 16 or a defective.

DEFINITION: INDECENT ASSAULT

An assault accompanied by an act of indecency, which may include indecent suggestions or gestures.

17 Indecent Assault on a Male Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH PERSON INDECENTLY ASSAULTED.

EXAMPLE 1: A man indecently assaults four other men.

Four crimes (class 17).

APPLICATION OF THE RULE

If a victim was indecently assaulted by more than one offender, count crimes separately unless the offenders were acting together as a group.

Example 1: A man is indecently assaulted by a group of three.

One crime (class 17).

Finished Incidents: see also General Rules Section E.

Example 1: A series of indecent assaults on a boy on numerous occasions over several years is reported for the first time.

One crime (class 17).

17A Sexual Assault on a Male aged 13 and over

Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

17/13 Assault on a male by penetration.
(V) *Sexual Offences Act 2003 Sec 2.*

17/15 Sexual assault on a male.
(V) *Sexual Offences Act 2003 Sec 3.*

DEFINITION - LEGAL: ASSAULT BY PENETRATION

SEXUAL OFFENCES ACT 2003 SEC 2

"A person 'A' commits an offence if - (a) he intentionally penetrates the vagina or anus of another person 'B' with a part of his body or anything else, (b) the penetration is sexual, (c) 'B' does not consent to the penetration, and (d) 'A' does not reasonably believe that 'B' consents."

DEFINITION - LEGAL: SEXUAL ASSAULT

SEXUAL OFFENCES ACT 2003 SEC 3

"A person 'A' commits an offence if - (a) he intentionally touches another person 'B', (b) the touching is sexual, (c) 'B' does not consent to the touching and (d) 'A' does not reasonably believe that 'B' consents."

17A Sexual Assault on a Male aged 13 and over Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH PERSON SEXUALLY ASSAULTED.

EXAMPLE 1: A man sexually assaults four other men.

Four crimes (class 17A).

APPLICATION OF THE RULE

If a victim was sexually assaulted by more than one offender, count crimes separately unless the offenders were acting together as a group.

Example 1: A man is sexually assaulted by a group of three.

One crime (class 17A).

Finished Incidents: see also General Rules Section E.

Example 1: A series of sexual assaults on a man on numerous occasions over several years is reported for the first time.

One crime (class 17A).

17B Sexual Assault on a Male Child under 13

Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

17/14 Assault of a male child under 13
(V) by penetration.
 Sexual Offences Act 2003 Sec 6.

17/16 Sexual assault on a male child under 13.
(V) *Sexual Offences Act 2003 Sec 7.*

DEFINITION - LEGAL: ASSAULT BY PENETRATION

SEXUAL OFFENCES ACT 2003 SEC 6

"A person commits an offence if (a) he intentionally penetrates the vagina or anus of another person with any part of his body or anything else, (b) the penetration is sexual, and (c) the other person is under 13."

DEFINITION - LEGAL: SEXUAL ASSAULT

SEXUAL OFFENCES ACT 2003 SEC 7

A person commits an offence if (a) he intentionally touches another person, (b) the touching is sexual, and the other person is under 13.

17B Sexual Assault on a Male Child under 13

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH CHILD SEXUALLY ASSAULTED.

APPLICATION OF THE RULE

If a child was sexually assaulted by more than one offender, count crimes separately unless the offenders were acting together as a group.

Example 1: A child is sexually assaulted by a group of three.

One crime (class 17A).

Finished Incidents: see also General Rules Section E.

Example 1: A series of sexual assaults on a child on numerous occasions over several years is reported for the first time.

One crime (class 17A).

18 Gross Indecency between Males Classification (1 of 2)

WITH EFFECT FROM MAY 2004 ALL LEGISLATION UNDER THIS CLASSIFICATION IS REPEALED BY THE SEXUAL OFFENCES ACT 2003.

CLASS 18 STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

18/2-6 Gross indecency between males.
(S) *Sexual Offences Act 1956 Sec 13(pt).*

18/7-11 Gross indecency between males.
(S) *Sexual Offences Act 1956 Sec 13(pt)*
(as amended by Sexual Offences
(Amendment) Act 2000 Sec 1).

CLASSIFICATION & DEFINITION - LEGAL: INDECENCY BETWEEN MEN

SEXUAL OFFENCES ACT 1956 SEC 13

“It is an offence for a man to commit an act of gross indecency with another man, whether in public or in private [*], or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man.”

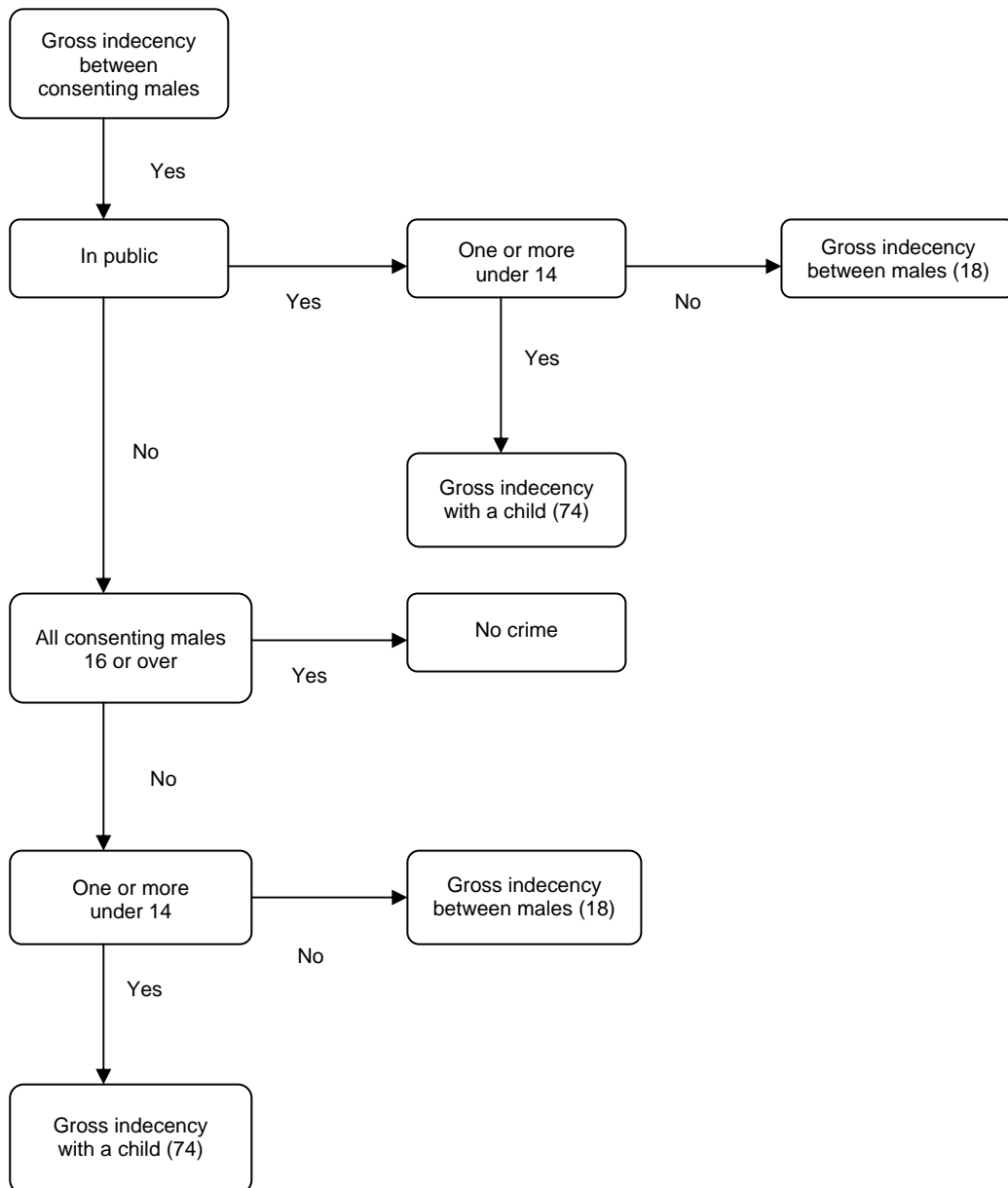
The part in bold constitutes class 18; the remainder is classified within class 24 (procuration).

Gross indecency between males includes conduct such as mutual masturbation and oral sex.

* Under Section 1 of the Sexual Offences (Amendment) Act 2000, it is no longer a crime if committed in private by two consenting men of 16 or over.

18 Gross Indecency between Males Classification (2 of 2)

Gross Indecency between Males: Classification



18 **Gross Indecency between Males** **Counting Rules (1 of 1)**

GENERAL RULE: **ONE CRIME FOR EACH RELATIONSHIP.**

EXAMPLE 1: Two couples committing indecent acts in a public place.

Two crimes (class 18).

APPLICATION OF THE RULE

If the number of relationships cannot be determined, count one crime.

Finished Incidents: see also General Rules Section E.

Example 1: A person reports two consenting men over 16 committing indecent acts in public on three separate occasions.

(i) Incidents reported all at once.

One crime (class 18).

(ii) Incidents reported separately.

Three crimes (class 18).

19A Rape of a Female Classification (1 of 1)

WITH EFFECT FROM MAY 2004 THIS OFFENCE CLASSIFICATION IS SPLIT INTO CODES 19C, 19D AND 19E.

CLASS 19A STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

19/2 (V)	Man having unlawful sexual intercourse with a woman who is a defective. <i>Sexual Offences Act 1956 Sec 7.</i>	19/7 (V)	Rape of a female aged under 16. <i>Sexual Offences Act 1956 Sec 1(pt).</i>
19/3 (V)	Male member of staff of hospital or mental nursing home having unlawful sexual intercourse with female patient. <i>Mental Health Act 1959 Sec 128(1)(a).</i>	19/8 (V)	Rape of a female aged 16 or over. <i>Sexual Offences Act 1956 Sec 1(pt).</i>
19/4 (V)	Man having unlawful sexual intercourse with mentally disordered female patient who is subject to his care. <i>Mental Health Act 1959 Sec 128(1)(b).</i>	19/11 (V)	Attempted rape of female aged under 16. <i>Sexual Offences Act 1956 Sec 1(pt).</i>
		19/12 (V)	Attempted rape of female aged 16 or over. <i>Sexual Offences Act 1956 Sec 1(pt).</i>

DEFINITION - LEGAL: RAPE OF WOMAN OR MAN

SEXUAL OFFENCES ACT 1956 SEC 1

as amended by the Criminal Justice and Public Order Act 1994 Sec 142.

"A man commits rape if (a) he has sexual intercourse with a person (whether vaginal or anal) who at the time of the intercourse does not consent to it; and (b) at the time he knows that the person does not consent to the intercourse or is reckless as to whether that person consents to it."

"A man [also] commits rape if he induces a married woman to have sexual intercourse with him by impersonating her husband."

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19A Rape of a Female Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH WOMAN RAPED.

APPLICATION OF THE RULE

If a woman is raped by more than one man, count crimes separately unless the men are acting together as a group.

Attempted Rape: one crime for each victim.

Example 1: A man attempts to rape three women and succeeds with a fourth.

Four crimes (class 19A) (ie three attempts and one substantive).

Example 2: Two women are raped by a group of men.

Two crimes (class 19A) as there are two victims.

Crimes in More Than One Force: see also General Rules Section G.

Example 1: A man is arrested for rape and admits raping three other women in different parts of the country, those crimes not previously reported.

Each force to record the rapes committed in their area (class 19A).

Finished Incident: see also General Rules Section E.

Example 1: A woman has been raped by the same man on numerous occasions over several years, and she reports it for the first time.

One crime (class 19A).

Principal Crime: see also General Rules Section F & Annex F. Only homicide and attempted murder should be recorded instead of rape.

Example 1: A man rapes and attempts to murder a woman.

One crime (class 2).

Example 2: A man rapes and intentionally commits GBH on a woman.

One crime (class 19A).

Example 3: A man rapes and robs a woman.

One crime (class 19A).

19A Rape of a Female Counting Rules (2 of 2)

Timing of Recording: see also General Rules Section A.

Example 1: A woman reports in April 2004 that she was raped three years ago.

One crime (class 19A) - (within the current year total).

Whether to record: see also General Rules Section A.

Example 1: A woman reports having been raped, but the alleged offender insists that she consented.

One crime (class 19A).

Example 2: As above, but she does not want the matter taken further.

One crime (class 19A).

Example 3: As above, but the woman later admits she consented.

No crime the original offence.

19B Rape of a Male Classification (1 of 1)

WITH EFFECT FROM MAY 2004 THIS OFFENCE CLASSIFICATION IS SPLIT INTO CODES 19F, 19G AND 19H.

CLASS 19B STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

19/9 (V)	Rape of a male aged under 16. <i>Sexual Offences Act 1956 Sec 1(pt).</i>	19/13 (V)	Attempted rape of male aged under 16. <i>Sexual Offences Act 1956 Sec 1(pt).</i>
19/10 (V)	Rape of a male aged 16 or over. <i>Sexual Offences Act 1956 Sec 1(pt).</i>	19/14 (V)	Attempted rape of male aged 16 or over. <i>Sexual Offences Act 1956 Sec 1(pt).</i>

DEFINITION - LEGAL: RAPE OF WOMAN OR MAN

SEXUAL OFFENCES ACT 1956 SEC 1

(as amended by the Criminal Justice and Public Order Act 1994 Sec 142)

“A man commits rape if (a) he has sexual intercourse with a person (whether vaginal or anal) who at the time of the intercourse does not consent to it; and (b) at the time he knows that the person does not consent to the intercourse or is reckless as to whether that person consents to it.”

“A man [also] commits rape if he induces a married woman to have sexual intercourse with him by impersonating her husband.”

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19B Rape of a Male Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH MAN RAPED.

APPLICATION OF THE RULE

If a man is raped by more than one other man, count crimes separately unless the men are acting together as a group.

Attempted Rape: one crime for each victim.

Example 1: A man attempts to rape three other men and succeeds with a fourth.

Four crimes (class 19B).

Example 2: Two men are raped by a group of men.

Two crimes (class 19B) as there are two victims.

Finished Incident: see also General Rules Section E.

Example 1: A man has been raped by another man on numerous occasions over several years, and he reports it for the first time.

One crime (class 19B).

Whether to record: see also General Rules Section A.

Example 1: A man reports having been raped, but the alleged offender insists that he consented.

One crime (class 19B).

Example 2: As above, but he does not want the matter taken further.

One crime (class 19B).

Example 3: As above, but the man later admits he consented.

No crime the original offence.

19B Rape of a Male Counting Rules (2 of 2)

Principal Crime: see also General Rules Section F & chart on class 18 classification (page 2 of 2.)
Only homicide and attempted murder should be recorded instead of rape.

Example 1: A man rapes and attempts to murder another man.

One crime (class 2).

Example 2: A man rapes and intentionally commits GBH on another man.

One crime (class 19B).

Example 3: A man rapes and robs another man.

One crime (class 19B).

19C Rape of a Female aged 16 and over Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

19/8 Rape of a female aged 16 or over.
(V) *Sexual Offences Act 2003 Sec 1(pt).*

19/12 Attempted rape of a female aged 16 or over.
(V) *Sexual Offences Act 2003 Sec 1(pt).*

DEFINITION - LEGAL: RAPE

SEXUAL OFFENCES ACT 2003 SEC 1

"A person 'A' commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents."

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19C Rape of a Female aged 16 and over Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH WOMAN RAPED.

APPLICATION OF THE RULE

If a woman is raped by more than one man, count crimes separately unless the men are acting together as a group.

Attempted Rape: one crime for each victim.

Example 1: A man attempts to rape three women and succeeds with a fourth.

Four crimes (class 19C) (ie three attempts and one substantive).

Example 2: Two women are raped by a group of men.

Two crimes (class 19C) as there are two victims.

Crimes in More Than One Force: see also General Rules Section G.

Example 1: A man is arrested for rape and admits raping three other women in different parts of the country, those crimes not previously reported.

Each force to record the rapes committed in their area (class 19C).

Finished Incident: see also General Rules Section E.

Example 1: A woman has been raped by the same man on numerous occasions over several years, and she reports it for the first time.

One crime (class 19C).

Principal Crime: see also General Rules Section F & Annex F. Only homicide and attempted murder should be recorded instead of rape.

Example 1: A man rapes and attempts to murder a woman.

One crime (class 2).

Example 2: A man rapes and intentionally commits GBH on a woman.

One crime (class 19C).

Example 3: A man rapes and robs a woman.

One crime (class 19C).

19C Rape of a Female aged 16 and over Counting Rules (2 of 2)

Timing of Recording: see also General Rules Section A.

Example 1: A woman reports in the current year that she was raped three years ago.

One crime (class 19C) (within the current year total).

Whether to record: see also General Rules Section A.

Example 1: A woman reports having been raped, but the alleged offender insists that she consented.

One crime (class 19C).

Example 2: As above, but she does not want the matter taken further.

One crime (class 19C).

Example 3: As above, but the woman later admits she consented.

No crime the original offence.

19D Rape of a Female Child under 16 Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

19/7 Rape of a female aged under 16.
(V) *Sexual Offences Act 2003 Sec 1(pt).*

19/11 Attempted rape of a female aged under 16.
(V) *Sexual Offences Act 2003 Sec 1(pt).*

DEFINITION - LEGAL: RAPE

SEXUAL OFFENCES ACT 2003 SEC 1

"A person 'A' commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents."

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19D Rape of a Female Child under 16 Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH FEMALE CHILD RAPED.

APPLICATION OF THE RULE

If a child is raped by more than one man, count crimes separately unless the men are acting together as a group.

Attempted Rape: one crime for each victim.

Example 1: A man attempts to rape three female children and succeeds with a fourth.

Four crimes (class 19D) (ie three attempts and one substantive).

Example 2: Two female children are raped by a group of men.

Two crimes (class 19D) as there are two victims.

Crimes in More Than One Force: see also General Rules Section G.

Example 1: A man is arrested for rape and admits raping three other female children in different parts of the country, those crimes not previously reported.

Each force to record the rapes committed in their area (class 19D).

Finished Incident: see also General Rules Section E.

Example 1: A female child has been raped by the same man on numerous occasions over several years, and the child reports it for the first time.

One crime (class 19D).

Principal Crime: see also General Rules Section F & Annex F. Only homicide and attempted murder should be recorded instead of rape.

Example 1: A man rapes and attempts to murder a female child.

One crime (class 2).

Example 2: A man rapes and intentionally commits GBH on a female child.

One crime (class 19D).

Example 3: A man rapes and robs a female child.

One crime (class 19D).

19D Rape of a Female Child under 16 Counting Rules (2 of 2)

Timing of Recording: see also General Rules Section A.

Example 1: A female child reports in the current year that she was raped last year.

One crime (class 19D) - (within the current year total).

19E Rape of a Female Child under 13 Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

19/16 Rape of a female child under 13 by a male.
(V) *Sexual Offences Act 2003 Sec 5(pt).*

19/18 Attempted rape of a female child under 13
(V) by a male.
Sexual Offences Act 2003 Sec 5(pt).

DEFINITION - LEGAL: RAPE

SEXUAL OFFENCES ACT 2003 SEC 5

"A person commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person with his penis, and (b) the other person is under 13."

NOTE: Being a willing participant is not an issue with this offence. The offence is complete with penetration if the girl is under 13 years of age.

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19E Rape of a Female Child under 13 Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH FEMALE CHILD UNDER 13 RAPED.

EXAMPLES ARE THE SAME FOR CLASS 19D EXCEPT THE CHILD IS AGED UNDER 13 YEARS AND THE CLASSIFICATION SHOULD THEREFORE BE CLASS 19E.

APPLICATION OF THE RULE

Example 1: A male aged 15 years has consensual intercourse with a female under the age of 13.

One crime (class 19E). The offence is complete with penetration regardless of being a willing participant.

19F Rape of a Male aged 16 and over Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

19/10 Rape of a male aged 16 or over.
(V) *Sexual Offences Act 2003 Sec 1 (pt).*

19/14 Attempted rape of a male aged 16 or over.
(V) *Sexual Offences Act 2003 Sec 1 (pt).*

DEFINITION – LEGAL: RAPE

SEXUAL OFFENCES ACT 2003 SEC 1

"A person 'A' commits an offence if (a) he intentionally penetrates the anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents."

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19F Rape of a Male aged 16 and over Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH MAN RAPED.

APPLICATION OF THE RULE

If a man is raped by more than one other man, count crimes separately unless the men are acting together as a group.

Attempted Rape: one crime for each victim.

Example 1: A man attempts to rape three other men and succeeds with a fourth.

Four crimes (class 19F).

Example 2: Two men are raped by a group of men.

Two crimes (class 19F) as there are two victims.

Finished Incident: see also General Rules Section E.

Example 1: A man has been raped by another man on numerous occasions over several years, and he reports it for the first time.

One crime (class 19F).

Principal Crime: see also General Rules Section F & chart on class 18 classification page 2 of 2. Only homicide and attempted murder should be recorded instead of rape.

Example 1: A man rapes and attempts to murder another man.

One crime (class 2).

Example 2: A man rapes and intentionally commits GBH on another man.

One crime (class 19F).

Example 3: A man rapes and robs another man.

One crime (class 19F).

19F Rape of a Male aged 16 and over Counting Rules (2 of 2)

Whether to record: see also General Rules Section A.

Example 1: A man reports having been raped, but the alleged offender insists that he consented.

One crime (class 19F).

Example 2: As above, but he does not want the matter taken further.

One crime (class 19F).

Example 3: As above, but the man later admits he consented.

No crime the original offence.

19G Rape of a Male Child under 16 Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

19/9 Rape of a male aged under 16.
(V) *Sexual Offences Act 2003 Sec 1 (pt).*

19/13 Attempted rape of a male aged under 16.
(V) *Sexual Offences Act 2003 Sec 1 (pt).*

DEFINITION - LEGAL: RAPE

SEXUAL OFFENCES ACT 2003 SEC 1

"A person 'A' commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents."

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19G Rape of a Male Child under 16 Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH MALE CHILD RAPED.

APPLICATION OF THE RULE

If a child is raped by more than one man, count crimes separately unless the men are acting together as a group.

Attempted Rape: one crime for each victim.

Example 1: A man attempts to rape three male children and succeeds with a fourth.

Four crimes (class 19G) (ie three attempts and one substantive).

Example 2: Two male children are raped by a group of men.

Two crimes (class 19G) as there are two victims.

Crimes in More Than One Force: see also General Rules Section G.

Example 1: A man is arrested for rape and admits raping three other male children in different parts of the country, those crimes not previously reported.

Each force to record the rapes committed in their area (class 19G).

Finished Incident: see also General Rules Section E.

Example 1: A male child has been raped by the same man on numerous occasions over several years, and the child reports it for the first time.

One crime (class 19G).

19G Rape of a Male Child under 16 Counting Rules (2 of 2)

Principal Crime: see also General Rules Section F & Annex F. Only homicide and attempted murder should be recorded instead of rape.

Example 1: A man rapes and attempts to murder a male child.

One crime (class 2).

Example 2: A man rapes and intentionally commits GBH on a male child.

One crime (class 19G).

Example 3: A man rapes and robs a male child.

One crime (class 19G).

Timing of Recording: see also General Rules Section A.

Example 1: A male child reports in the current year that he was raped last year.

One crime (class 19G) (within the current year total).

19H Rape of a Male Child under 13 Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

19/17 Rape of a male child under 13 by a male.
(V) *Sexual Offences Act 2003 Sec 5(pt).*

19/19 Attempted rape of a male child under 13 by a male.
(V) *Sexual Offences Act 2003 Sec 5(pt).*

LEGAL - DEFINITION: RAPE OF A CHILD UNDER 13

SEXUAL OFFENCES ACT 2003 SEC 5

"A person commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person with his penis, and (b) the other person is under 13."

NOTE: Being a willing participant is not an issue with this offence. The offence is complete with penetration if the boy is under 13 years of age.

RECORDING PRACTICE: Sexual Assault Referral Centre (SARCS)

For full details of crime recording practice in relation to SARCS, please refer to General Rules, Section A, Whether and When to Record.

19H Rape of a Male Child under 13 Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH MALE CHILD UNDER 13 RAPED.

EXAMPLES ARE THE SAME FOR CLASS 19G EXCEPT THE CHILD IS AGED UNDER 13 YEARS AND THE CLASSIFICATION SHOULD THEREFORE BE CLASS 19H.

APPLICATION OF THE RULE

Example 1: A boy under 13 years of age consents to anal intercourse from a 15 year old boy.

One crime (class 19H). The offence is complete with penetration regardless of being a willing participant.

20 Indecent Assault on a Female Classification (1 of 1)

WITH EFFECT FROM MAY 2004 THIS OFFENCE CLASSIFICATION IS SPLIT INTO CODES 20A AND 20B.

CLASS 20 STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

20/1 Indecent assault on female under 16.
(V) *Sexual Offences Act 1956 Sec 14.*

20/2 Indecent assault on female 16 and over.
(V) *Sexual Offences Act 1956 Sec 14.*

COVERAGE – LEGAL: WILLING VICTIM

SEXUAL OFFENCES ACT 1956 SEC 14

This law presumes that a crime has not taken place if the victim is willing, except when she is under 16 or a defective.

20 Indecent Assault on a Female Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH WOMAN INDECENTLY ASSAULTED.

EXAMPLE 1: A man indecently assaults two women.

Two crimes (class 20).

EXAMPLE 2: Thirteen unreported crimes of indecent assault on different victims were admitted by an offender during interview. Seven victims are identified and subsequent interviews confirm the crimes, but the remaining six are unknown.

Seven crimes (class 20) (if not already recorded). An additional six crimes only if corroboration is available.

Finished Incident: see also General Rules Section E.

Example 1: A series of indecent assaults by the same person on a girl on numerous occasions over several years is reported for the first time.

One crime (class 20).

Example 2: A person having temporary charge of young children on several occasions admits to having committed three rapes on one young child and one rape and several indecent assaults and gross indecencies on another child. None of these crimes have been reported previously.

Two crimes (class 19A or 19B).

20A Sexual Assault on a Female aged 13 or over

Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004 AND SPLIT INTO CODES 20A AND 20B.

20/3
(V) Assault on a female by penetration.
Sexual Offences Act 2003 Sec 2(pt).

20/5
(V) Sexual assault on a female.
Sexual Offences Act 2003 Sec 3(pt).

DEFINITION - LEGAL: ASSAULT BY PENETRATION

SEXUAL OFFENCES ACT 2003 SEC 2

"A person 'A' commits an offence if (a) he intentionally penetrates the vagina or anus of another person 'B' with a part of his body or anything else, (b) the penetration is sexual, (c) 'B' does not consent to the penetration and (d) 'A' does not reasonably believe that 'B' consents."

DEFINITION - LEGAL: SEXUAL ASSAULT

SEXUAL OFFENCES ACT 2003 SEC 3

"A person 'A' commits an offence if (a) he intentionally touches another person 'B', (b) the touching is sexual, (c) the person does not consent to the touching and (d) 'A' does not reasonably believe that 'B' consents."

20A Sexual Assault on a Female aged 13 or over

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH WOMAN SEXUALLY ASSAULTED.

EXAMPLE 1: A man sexually assaults two women.

Two crimes (class 20A).

EXAMPLE 2: Thirteen unreported crimes of sexual assault on different victims were admitted by an offender during interview. Seven victims are identified and subsequent interviews confirm the crimes, but the remaining six are unknown.

Seven crimes (class 20A) (if not already recorded). An additional six crimes only if corroboration is available.

Finished Incident: see also General Rules Section E.

Example 1: A series of sexual assaults by the same person on a girl on numerous occasions over several years is reported for the first time.

One crime (class 20A).

20B Sexual Assault on a Female Child under 13

Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

20/4
(V) Assault of a female child under 13
by penetration.
Sexual Offences Act 2003 Sec 6(pt).

20/6
(V) Sexual assault of a female child under 13.
Sexual Offences Act 2003 Sec7(pt).

DEFINITION - LEGAL: ASSAULT BY PENETRATION

SEXUAL OFFENCES ACT 2003 SEC 6

"A person commits an offence if - (a) he intentionally penetrates the vagina or anus of another person with any part of his body or anything else, (b) the penetration is sexual, and (c) the other person is under 13."

DEFINITION - LEGAL: SEXUAL ASSAULT

SEXUAL OFFENCES ACT 2003 SEC 7

"A person 'A' commits an offence if - (a) he intentionally touches another person, (b) the touching is sexual, and (c) the other person is under 13."

20B Sexual Assault on a Female Child under 13

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH FEMALE CHILD SEXUALLY ASSAULTED.

EXAMPLE 1: A man sexually assaults two female children.

Two crimes (class 20B).

EXAMPLE 2: Thirteen unreported crimes of sexual assault on different female children were admitted by an offender during interview. Seven victims are identified and subsequent interviews confirm the crimes, but the remaining six are unknown.

Seven crimes (class 20B) (if not already recorded). An additional six crimes only if corroboration is available.

Finished Incident: see also General Rules Section E.

Example 1: A series of sexual assaults by the same person on a girl on numerous occasions over several years is reported for the first time.

One crime (class 20B).

Example 2: A person having temporary charge of young female children on several occasions admits to having committed three rapes on one young child and one rape and several indecent assaults and gross indecencies on another child. None of these crimes have been reported previously.

Two crimes (class 19D or 19E).

21 Sexual Activity involving a Child under 13 Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

OFFENCES UNDER THE PREVIOUS HEADING OF UNLAWFUL SEXUAL INTERCOURSE WITH A GIRL UNDER 13 WHICH ARE RECORDED IN APRIL SHOULD BE INCLUDED HERE.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

Causing or inciting a child under 13 to engage in sexual activity. <i>Sexual Offences Act 2003 Sec 8</i>			
Penetration		No penetration	
Female	Male	Female	Male
21/2 (S/V)	21/4 (S/V)	21/3 (S/V)	21/5 (S/V)

Sexual activity with a child under 13. <i>Sexual Offences Act 2003 Sec 9 (pt).¹ Sexual Offences Act 2003 Sec 13 (pt).²</i>				
Age of offender at time of offence	Penetration		No penetration	
	Female	Male	Female	Male
18 or over ¹	21/6 (S/V)	21/7 (S/V)	21/18 (S/V)	21/19 (S/V)
Under 18 ²	21/12 (S/V)	21/13 (S/V)	21/22 (S/V)	21/23 (S/V)

Causing or inciting a child under 13 to engage in sexual activity. <i>Sexual Offences Act 2003 Sec 10 (pt).³ Sexual Offences Act 2003 Sec 13 (pt).⁴</i>				
Age of offender at time of offence	Penetration		No penetration	
	Female	Male	Female	Male
18 or over ³	21/8 (S/V)	21/9 (S/V)	21/20 (S/V)	21/21 (S/V)
Under 18 ⁴	21/14 (S/V)	21/15 (S/V)	21/24 (S/V)	21/25 (S/V)

Engaging in sexual activity in the presence of a child under 13. <i>Sexual Offences Act 2003 Sec 11 (pt).⁵ Sexual Offences Act 2003 Sec 13 (pt).⁶</i>	
Offender aged 18 or over ⁵	Offender aged Under 18 ⁶
21/10 (S/V)	21/16 (S/V)

Causing a child under 13 to watch a sexual act. <i>Sexual Offences Act 2003 Sec 12 (pt).⁷ Sexual Offences Act 2003 Sec 13 (pt).⁸</i>	
Offender aged 18 or over ⁷	Offender aged Under 18 ⁸
21/11 (S/V)	21/17 (S/V)

21 Sexual Activity involving a Child under 13 Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH VICTIM.

22 **Unlawful Sexual Intercourse with Girl under 16 Classification (1 of 1)**

**WITH EFFECT FROM MAY 2004 THIS OFFENCE CLASSIFICATION IS SPLIT INTO
CODES 22A AND 22B.**

**CLASS 22 STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED
BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT
DETECTED AFTERWARDS.**

**FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004
TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.**

22 Unlawful sexual intercourse
(S/V) with a girl under 16.
 Sexual Offences Act 1956 Sec 6.

EXCEPTIONS - LEGAL: UNLAWFUL SEXUAL INTERCOURSE

SEXUAL OFFENCES ACT 1956 SEC 6

Section 6 lists circumstances where it is not unlawful to have sex with a girl under 16. Basically, they comprise men who are legally married to girls under 16; those who are not but believe to be so; and men under 24, not previously charged with such an offence, who believed the girl to be 16 or over and had reasonable grounds for this belief.

22 **Unlawful Sexual Intercourse with Girl under 16**

Counting Rules (1 of 1)

GENERAL RULE: **ONE CRIME FOR EACH RELATIONSHIP.**

EXAMPLE 1: A man has sex with his girlfriend, knowing her to be under 16 but over 13.

One crime (class 22).

Finished Incident: see also General Rules Section E.

Example 1: A girl under 16 has had sex with a man on numerous occasions, and reports it to the police for the first time.

One crime (class 22).

Principal Crime: see class 22 classification page 1 of 1 & General Rules Section F.

Example 1: A girl under 16 has had sex with a man on numerous occasions, including when she was under 13, and reports it to the police for the first time.

One crime (class 21).

22A Causing Sexual Activity without Consent Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

	Causing a person to engage in sexual activity without consent:
22/2	Female person
22/3	Male person
22/4	Female person – no penetration
22/5	Male person – no penetration
(S/V)	<i>Sexual Offences Act 2003 Sec 4.</i>

22A Causing Sexual Activity without Consent Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH VICTIM.

22B Sexual Activity involving a Child under 16

Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

Sexual activity with a child under 16. <i>Sexual Offences Act 2003 Sec 9 (pt).¹ Sexual Offences Act 2003 Sec 13 (pt).²</i>				
Age of offender at time of offence	Penetration		No penetration	
	Female	Male	Female	Male
18 or over ¹	22/6 (S/V)	22/7 (S/V)	22/18 (S/V)	22/19 (S/V)
Under 18 ²	22/12 (S/V)	22/13 (S/V)	22/22 (S/V)	22/23 (S/V)

Causing or inciting a child under 16 to engage in sexual activity. <i>Sexual Offences Act 2003 Sec 10 (pt).³ Sexual Offences Act 2003 Sec 13 (pt).⁴</i>				
Age of offender at time of offence	Penetration		No penetration	
	Female	Male	Female	Male
18 or over ³	22/8 (S/V)	22/9 (S/V)	22/20 (S/V)	22/21 (S/V)
Under 18 ⁴	22/14 (S/V)	22/15 (S/V)	22/24 (S/V)	22/25 (S/V)

Engaging in sexual activity in the presence of a child under 16. <i>Sexual Offences Act 2003 Sec 11 (pt).⁵ Sexual Offences Act 2003 Sec 13 (pt).⁶</i>	
Offender aged 18 or over ⁵	Offender aged Under 18 ⁶
22/10 (S/V)	22/16 (S/V)

Causing a child under 16 to watch a sexual act. <i>Sexual Offences Act 2003 Sec 12 (pt).⁷ Sexual Offences Act 2003 Sec 13 (pt).⁸</i>	
Offender aged 18 or over ⁷	Offender aged Under 18 ⁸
22/11 (S/V)	22/17 (S/V)

22B Sexual Activity involving a Child under 16 Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH VICTIM.

23 Incest or Familial Sexual Offences Classification (1 of 1)

PREVIOUSLY KNOWN AS INCEST. CLASS 23 STILL APPLIES FOR ALL OFFENCES OF INCEST RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

23/1
(S/V) Incest with a girl under 13.
Sexual Offences Act 1956 Secs 10 & 11.

23/3
(S/V) Inciting girl under 16 to have
incestuous sexual intercourse.
Criminal Law Act 1977 Sec 54.

23/2
(S/V) Other incest.
Sexual Offences Act 1956 Secs 10 & 11.

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

Sexual activity with a child family member. <i>Sexual Offences Act 2003 Sec 25.</i>				
Age of offender at time of offence	Victim aged 13-17		Victim Under 13	
	Female	Male	Female	Male
18 or over - penetration	23/4 (S/V)	23/5 (S/V)	23/14 (S/V)	23/15 (S/V)
18 or over - no penetration	23/22 (S/V)	23/23 (S/V)	23/24 (S/V)	23/25 (S/V)
Under 18 - penetration	23/32 (S/V)	23/33 (S/V)	23/30 (S/V)	23/31 (S/V)
Under 18 - no penetration	23/6 (S/V)	23/7 (S/V)	23/16 (S/V)	23/17 (S/V)

Inciting a child family member to engage in sexual activity. <i>Sexual Offences Act 2003 Sec 26.</i>				
Age of offender at time of offence	Victim aged 13-17		Victim Under 13	
	Female	Male	Female	Male
18 or over - penetration	23/8 (S/V)	23/9 (S/V)	23/18 (S/V)	23/19 (S/V)
18 or over - no penetration	23/26 (S/V)	23/27 (S/V)	23/28 (S/V)	23/29 (S/V)
Under 18 - penetration	23/36 (S/V)	23/37 (S/V)	23/34 (S/V)	23/35 (S/V)
Under 18 - no penetration	23/10 (S/V)	23/11 (S/V)	23/20 (S/V)	23/21 (S/V)

Sex with an adult relative. <i>Sexual Offences Act 2003 Sec 64.¹ Sexual Offences Act 2003 Sec 65.²</i>	
Penetration (Offender aged 16 or over relative aged 18 or over) ¹	Consenting to Penetration (Offender aged 16 or over relative aged 18 or over) ²
23/12 (S/V)	23/13 (S/V)

23 Incest or Familial Sexual Offences Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH RELATIONSHIP BETWEEN OFFENDERS.

APPLICATION OF THE RULE

If a woman or girl/man or boy has incestuous sexual intercourse with more than one of her/his male/female relatives, count separate crimes unless the relatives are acting as a group.

Example 1: Three brothers have sex with their sister.

(i) The brothers act separately.

Three crimes (class 23).

(ii) The brothers act together.

One crime (class 23).

Example 2: Three sisters have sex with their brother.

(i) The sisters act separately.

Three crimes (class 23).

(ii) The sisters act together.

One crime (class 23).

A crime of inciting a girl under 16 to have incestuous sexual intercourse (class 23/3) should not be counted separately if the substantive crime is committed.

Finished Incident: see also General Rules Section E.

Example 1: A crime of incest between a father and daughter is reported to the police, and subsequent investigations show that this has occurred on numerous occasions over several years.

One crime (class 23).

Principal Crime: see General Rules Section F & Annex F.

Example 1: A father unintentionally wounds his daughter while committing incest.

One crime (class 23).

24 Procurement Classification (1 of 1)

WITH EFFECT FROM MAY 2004 ALL LEGISLATION IS REPEALED BY THE SEXUAL OFFENCES ACT 2003.

FROM MAY 2004, THIS OFFENCE CLASSIFICATION WILL BE TITLED 'EXPLOITATION OF PROSTITUTION - SEE PAGES FOLLOWING.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

24/1 (V)	Procuring woman by threats or intimidation. <i>Sexual Offences Act 1956 Sec 2.</i>	24/7 (S/V)	Causing or encouraging prostitution of female defective. <i>Sexual Offences Act 1956 Sec 29.</i>
24/1 (V)	Procuring woman by false pretences. <i>Sexual Offences Act 1956 Sec 3.</i>	24/10 (S/V)	Procuring others to commit unlawful homosexual acts. <i>Sexual Offences Act 1967 Sec 4(1).</i>
24/1 (S/V)	Using drugs to obtain/facilitate intercourse. <i>Sexual Offences Act 1956 Sec 4.</i>	24/11 (S/V)	Man or woman living wholly or in part off earnings of male prostitution <i>Sexual Offences Act 1967 Sec 5(1).</i>
24/1 (S/V)	Procuring woman to become prostitute. <i>Sexual Offences Act 1956 Sec 22.</i>	24/12,13 (S/V)	Male procuring or attempting to procure or being party to the commission by a male of gross indecency with another male. <i>Sexual Offences Act 1956 Sec 13(pt).</i>
24/1 (S/V)	Procuring girl under 21. <i>Sexual Offences Act 1956 Sec 23.</i>		
24/2 (S/V)	Householder permitting unlawful sexual intercourse with a girl under 16. <i>Sexual Offences Act 1956 Secs 25 & 26.</i>	24/14 (S/V)	Male of or over the age of 21 procuring or attempting to procure or being party to the commission by a <u>male under 16</u> of an act of Gross Indecency. <i>Sexual Offences Act 1956 Sch 2 Para 16 (as amended by the Sexual Offences (Amendment) Act 2000 Sec 1).</i>
24/3 (S/V)	Detention of female in brothel or other premises. <i>Sexual Offences Act 1956 Sec 24.</i>		
24/5 (S/V)	Person responsible for a girl under 16 causing or encouraging her prostitution etc. <i>Sexual Offences Act 1956 Sec 28.</i>	24/15 (S/V)	Male aged 18-20 procuring or attempting to procure or being party to the commission by a <u>male under 16</u> of an act of Gross Indecency. <i>Sexual Offences Act 1956 Sch 2 Para 16 (as amended by the Sexual Offences (Amendment) Act 2000 Sec 1).</i>
24/6 (S/V)	Living off earnings of prostitution. <i>Sexual Offences Act 1956 Sec 30.</i>		
24/6 (S/V)	Exercising control over prostitute. <i>Sexual Offences Act 1956 Sec 31.</i>	24/16 (S/V)	Male aged 16-17 procuring or attempting to procure or being party to the commission by a <u>male under 16</u> of an act of Gross Indecency. <i>Sexual Offences Act 1956 Sch 2 Para 16 (as amended by the Sexual Offences (Amendment) Act 2000 Sec 1).</i>
24/7 (S/V)	Procurement of female defective. <i>Sexual Offences Act 1956 Sec 9.</i>		
24/7 (S/V)	Permitting female defective to use premises for intercourse. <i>Sexual Offences Act 1956 Sec 27.</i>		

24 Procurement Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH VICTIM OR RELATIONSHIP.

EXAMPLE 1: A man procures three women to have sexual intercourse with other men.

Three crimes (class 24).

EXAMPLE 2: Five women are detained against their will in a brothel with the intention that they have sex with customers.

Five crimes (class 24).

APPLICATION OF THE RULE

Living off earnings of prostitution: one crime for each offender.

Finished Incident: See also General Rules Section E. If an act is procured between the same two persons on more than one occasion one crime should be counted for each group of incidents separately reported to the police.

Example 1: Two men have been procured to commit indecent acts in a nightly show over a period of months. They report this to the police for the first time.

One crime (class 24).

24 **Exploitation of Prostitution Classification (1 of 1)**

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

24/17 Causing or inciting prostitution for gain.
(S/V) *Sexual Offences Act 2003 Sec 52.*

24/18 Controlling prostitution for gain.
(S/V) *Sexual Offences Act 2003 Sec 53.*

24/19 Keeping a brothel used for prostitution.
(S) *Sexual Offences Act 1956 Sec 33A (as added
by Sexual Offences Act 2003 Sec 55).*

24 **Exploitation of Prostitution Counting Rules (1 of 1)**

GENERAL RULE: **ONE OFFENCE FOR EACH PROSTITUTE EXPLOITED.**

EXAMPLE 1: A man incites three women to become prostitutes (in the expectation of gain to himself).

Three crimes.

APPLICATION OF THE RULE

Keeping a brothel used for prostitution: one crime for each offender or group of offenders.

Finished Incident: See also General Rules Section E. If a person controls the activities of a prostitute on more than one occasion, on crime should be counted each group of incidents separately reported to the police.

Example 1: A man is found to be controlling the activities of a prostitute over several months, and this is reported to the police for the first time.

One crime (class 24).

25 Abduction of Female Classification (1 of 1)

WITH EFFECT FROM MAY 2004 ALL LEGISLATION UNDER THIS CLASSIFICATION IS REPEALED BY THE SEXUAL OFFENCES ACT 2003.

CLASS 25 STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

25/1 (V)	Abduction of woman by force or for the sake of her property. <i>Sexual Offences Act 1956 Sec 17.</i>	25/4 (V)	Abduction of unmarried girl under 18. <i>Sexual Offences Act 1956 Sec 19.</i>
25/2 (V)	Abduction of female for sex or marriage. <i>Sexual Offences Act 1956 Sec 17.</i>	25/5 (V)	Abduction of female defective. <i>Sexual Offences Act 1956 Sec 21.</i>
25/3 (V)	Abduction of unmarried girl under 16. <i>Sexual Offences Act 1956 Sec 20.</i>		

CLASSIFICATION: ABDUCTION OR KIDNAPPING

Child Abduction	(class 13)
Abduction of Female	(class 25)
Kidnapping	(class 36)

DEFINITION - LEGAL: ABDUCTION - KEY POINTS

SEXUAL OFFENCES ACT 1956 SECS 17-21

An abduction of a woman means to “take away or detain a woman against her will ...”

An abduction of an unmarried girl means to “... take an unmarried girl ... from the possession of her parent or guardian against his [/her] will ...”

Similarly, an abduction of a defective means to “... take a woman who is a defective out of the possession of her parent or guardian against his [/her] will ...”

In all cases, unless otherwise specified the intention of the abduction of the woman/girl is that “...she shall have unlawful sexual intercourse with men or a particular man ...”

25 **Abduction of Female Counting Rules (1 of 1)**

GENERAL RULE: ONE CRIME FOR EACH PERSON ABDUCTED.

Principal Crime: see General Rules Section F & Annex F.

Example 1: A woman receives actual bodily harm during the course of abduction.

One crime (class 25).

Example 2: A man abducts a woman for sex, and has sex with her against her will.

One crime (class 19A).

26 Bigamy

Bigamy moved to Other Offences on 1 April 2008.

27 **Soliciting for the Purpose of Prostitution Classification (1 of 1)**

PREVIOUSLY KNOWN AS SOLICITING OR IMPORTUNING BY A MAN.

CLASS 27 STILL APPLIES FOR ALL OFFENCES OF SOLICITING OR IMPORTUNING BY A MAN RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

27
(V) Soliciting or importuning by a man.
This offence is repealed wef May 2004
Sexual Offences Act 1956 Sec 32.

165/2
(V) Persistently soliciting a person or persons
for prostitution.
Sexual Offences Act 1985 Sec 2(1).

165/1
(V) Persistently soliciting a person or
persons for prostitution from, or having
just left, a motor vehicle.
Sexual Offences Act 1985 Sec 1(1)(a)(b).

27 Soliciting for the Purpose of Prostitution Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER.

70 Sexual Activity etc with a Person with a Mental Disorder Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

	Sexual activity with a person with a mental disorder impeding choice:	70/15 (V)	Engaging in sexual activity in the presence, procured by inducement, threat or deception or a person with mental disorder. <i>Sexual Offences Act 2003 Sec 36.</i>
70/1	Male person		
70/2	Female person		
70/3	Male person – no penetration		
70/4 (V)	Female person – no penetration <i>Sexual Offences Act 2003 Sec 30.</i>	70/16 (V)	Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception. <i>Sexual Offences Act 2003 Sec 37.</i>
	Causing or inciting a person with a mental disorder impeding choice to engage in sexual activity:		Care workers: Sexual activity with a person with a mental disorder:
70/5	Male person	70/17	Male person
70/6	Female person	70/18	Female person
70/7	Male person – no penetration	70/19	Male person - no penetration
70/8 (V)	Female person – no penetration <i>Sexual Offences Act 2003 Sec 31.</i>	70/20 (V)	Female person - no penetration <i>Sexual Offences Act 2003 Sec 38.</i>
70/9 (V)	Engaging in sexual activity in the presence of a person with a mental disorder impeding choice. <i>Sexual Offences Act 2003 Sec 32.</i>		Care workers: Causing or inciting sexual activity (person with a mental disorder):
		70/21	Penetration
		70/22 (V)	No penetration <i>Sexual Offences Act 2003 Sec 39.</i>
70/10 (V)	Causing a person with a mental disorder impeding choice to watch a sexual act. <i>Sexual Offences Act 2003 Sec 33.</i>	70/23 (V)	Care workers: Sexual activity in the presence of a person with a mental disorder. <i>Sexual Offences Act 2003 Sec 40.</i>
	Inducement, threat or deception to procure sexual activity with a person with a mental disorder:		
70/11	Penetration	70/24 (V)	Care workers: Causing a person with a mental disorder or learning disability to watch a sexual act. <i>Sexual Offences Act 2003 Sec 41.</i>
70/12 (V)	No penetration <i>Sexual Offences Act 2003 Sec 34.</i>		
	Causing a person with a mental disorder to engage in sexual activity by inducement, threat or deception:		
70/13	Penetration		
70/14 (V)	No penetration <i>Sexual Offences Act 2003 Sec 35.</i>		

DEFINITION - LEGAL: MENTAL DISORDER IMPEDING CHOICE

SEXUAL OFFENCES ACT 2003 SEC 30-33

“ ‘A’ commits an offence [against ‘B’] if ... ‘A’ knows or can be reasonably expected to know that ‘B’ has a mental disorder and that because of it or for a reason related to it ‘B’ is likely to be unable to refuse.”
‘B’ is unable to refuse if –

- (a) he lacks to capacity to choose whether to agree to engaging in the activity caused or incited ..., or
- (b) he is unable to communicate such a choice to ‘A’.”

70 Sexual Activity etc with a Person with a Mental Disorder

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH VICTIM.

EXAMPLE 1: A man has sexual activity with three women with mental disorders impeding choice.

Three crimes (class 70).

APPLICATION OF THE RULE

A crime of inciting a person with a mental disorder (impeding choice) to engage in sexual activity should not be counted separately if the substantive sexual activity is committed.

Finished Incident: see General Rules Section E.

Example 1: A care worker has had sexual activity several times with a person under his care, who has a mental disorder impeding choice. All occurrences are reported to the police at the same time.

One crime (class 70).

Principal Crime: see General Rules Section F & Annex F.

Example 1: A person has sexual activity with a woman with a mental disorder (impeding choice) and steals from her person.

One crime (class 70).

71 Abuse of Children through Prostitution and Pornography Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

71/1 (V)	Arranging or facilitating the commission of a child sex offence. <i>Sexual Offences Act 2003 Sec 14.</i>		Controlling a child prostitute or a child involved in pornography:
		71/9	Child 13-17
		71/12	Child under 13
		(V)	<i>Sexual Offences Act 2003 Sec 49.</i>
	Paying for sexual service of a child:		Arranging or facilitating child prostitution or pornography:
71/2	Female child under 13		Child 13-17
71/3	Male child under 13		Child under 13
71/4	Female child under 16 – no penetration	71/10	<i>Sexual Offences Act 2003 Sec 50.</i>
71/5	Male child under 16 – no penetration	71/13	
71/14	Female child under 16	(V)	
71/15	Male child under 16		
71/6	Female child under 18		
71/7	Male child under 18		
(V)	<i>Sexual Offences Act 2003 Sec 47.</i>		
	Causing or inciting child prostitution or pornography:		
71/8	Child 13-17		
71/11	Child under 13		
(V)	<i>Sexual Offences Act 2003 Sec 48.</i>		

71 Abuse of Children through Prostitution and Pornography

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH CHILD.

EXAMPLE 1: A person pays for sexual services of two children.

Two crimes (class 71).

Finished Incident: see also General Rules Section E. If a person controls the activities of a child prostitute or child involved in pornography on more than one occasion, one crime should be counted for each group of incidents separately reported to the police.

Example 1: A man is found to be controlling the activities of a child prostitute over several months and this is reported to the police for the first time.

One crime (class 71).

72 **Trafficking for Sexual Exploitation Classification (1 of 1)**

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003
WITH EFFECT FROM MAY 2004.**

72/1 Trafficking into the UK for sexual
(V) exploitation.
 Sexual Offences Act 2003 Sec 57.

72/3 Trafficking out of the UK for sexual exploitation.
(V) *Sexual Offences Act 2003 Sec 59.*

72/2 Trafficking within the UK for sexual
(V) exploitation.
 Sexual Offences Act 2003 Sec 58.

72 Trafficking for Sexual Exploitation Counting Rules (1 of 1)

**GENERAL RULE: ONE CRIME FOR EACH PERSON SUBJECTED TO
TRAFFICKING.**

73 Abuse of Position of Trust Classification (1 of 1)

WITH EFFECT FROM MAY 2004 ALL LEGISLATION UNDER THIS CLASSIFICATION IS REPEALED BY THE SEXUAL OFFENCES ACT 2003.

FROM APRIL 2008, THIS OFFENCE CLASSIFICATION WILL BE TITLED 'ABUSE OF TRUST OF A SEXUAL NATURE' - SEE PAGES FOLLOWING.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

8/39 (S/V)	Breach of restraining order. <i>Sex Offenders Act 1997 Sec 57A</i> (as added by <i>Criminal Justice & Court Services Act 2000 Sch 5 p6</i>).	73/4 (S)	Failure to notify police of home address. <i>Sex Offenders Act 1997 Sec 3(1A)</i> .
73/1 (V)	Abuse of position of trust – sexual intercourse. <i>Sexual Offences (Amendment) Act 2000 Sec 3a,4</i> .	73/5 (S)	Notifies police with false name or names. <i>Sex Offenders Act 1997 Sec 3(1A)</i> .
73/2 (V)	Abuse of position of trust – sexual activity other than sexual intercourse. <i>Sexual Offences (Amendment) Act 2000 Sec 3b,4</i> .	73/6 (S)	Notifies police with false information as to home address. <i>Sex Offenders Act 1997 Sec 3(1A)</i> .
73/3 (S)	Failure to notify police of name or names. <i>Sex Offenders Act 1997 Sec 3(1A)</i> .		

73 Abuse of Position of Trust Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER.

73 Abuse of Position of Trust of a Sexual Nature Classification (1 of 2)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

Abuse of position of trust: sexual activity with a child. <i>Sexual Offences Act 2003 Sec 16.</i>				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/7 (V)	73/8 (V)	73/13 (V)	73/14 (V)
Under 18	n/a	n/a	n/a	n/a

Abuse of position of trust: causing or inciting a child to engage in sexual activity. <i>Sexual Offences Act 2003 Sec 17.</i>				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/9 (V)	73/10 (V)	73/15 (V)	73/16 (V)
Under 18	n/a	n/a	n/a	n/a

Abuse of position of trust: sexual activity in presence of a child. <i>Sexual Offences Act 2003 Sec 18.</i>				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/11 (V)	73/11 (V)	73/17 (V)	73/17 (V)
Under 18	n/a	n/a	n/a	n/a

Abuse of position of trust: causing a child to watch a sexual activity. <i>Sexual Offences Act 2003 Sec 19.</i>				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/12 (V)	73/12 (V)	73/18 (V)	73/18 (V)
Under 18	n/a	n/a	n/a	n/a

73 Abuse of Position of Trust of a Sexual Nature Classification (2 of 2)

DEFINITION - LEGAL: POSITION OF TRUST

SEXUAL OFFENCES ACT 2003 SEC 21 (APPLIES TO SECS 16-19)

"A person aged 18 or over 'A' is in a position of trust in relation to a person under that age 'B' if any of the conditions below, or any specified by statutory instrument, is fulfilled.

- 'A' looks after persons under 18 detained in an institution by virtue of a court order or under an enactment; and 'B' is so detained in that institution.
- 'A' looks after persons under 18 who are resident in a home or other place in which: a) accommodation and maintenance are provided by an authority under Section 23(2) of the Children Act 1989 ..., or b) accommodation is provided by a voluntary organisation under Section 59(1) of that Act ...
- 'A' looks after persons under 18 who are accommodated and cared for in an institution which is: a) a hospital; b) an independent clinic; c) a care home, residential care home or private hospital; d) a community home, voluntary home or children's home; e) a home provided under Section 82(5) of the Children Act 1989, or f) a residential family centre, and 'B' is accommodated and cared for in that institution.
- 'A' looks after persons under 18 who are receiving full-time education at an educational institution, and 'B' is receiving, and 'A' is not receiving, education at that institution.
- Any condition specified in an order made by the Secretary of State is met."

73 Abuse of Position of Trust of a Sexual Nature Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH CHILD.

EXAMPLE 1: A teacher has sexual activity with two pupils under 18 in his class.
Two crimes (class 73).

APPLICATION OF THE RULE

A crime of abusing a position of trust by inciting a child to engage in sexual activity should not be counted separately if the substantive sexual activity is committed.

Finished Incident: see General Rules Section E.

Example 1: A warder in a young persons' institution has had sexual activity several times with a person under 18 detained in that institution. All occurrences are reported to the police at the same time.
One crime (class 73).

Principal Crime: see General Rules Section F & Annex F.

Example 1: A nurse has sexual activity with a patient under 18 and steals money from the patient's locker.
One crime (class 73).

74 **Gross Indecency with a Child Classification (1 of 1)**

WITH EFFECT FROM MAY 2004 ALL LEGISLATION UNDER THIS CLASSIFICATION IS REPEALED BY THE SEXUAL OFFENCES ACT 2003.

CLASS 74 STILL APPLIES FOR ALL OFFENCES RECORDED AND DETECTED BEFORE MAY 2004 AND FOR OFFENCES RECORDED BEFORE MAY 2004 BUT DETECTED AFTERWARDS.

FOR OFFENCES RECORDED AFTER MAY 2004 BUT COMMITTED BEFORE MAY 2004 TREAT UNDER THE PREVIOUS LEGISLATION WHEREVER POSSIBLE.

74/1 Gross indecency with a boy.
(V) *Indecency with Children Act 1960 Sec 1*
 (amended by the Criminal Justice and
 Courts Services Act 2000 Sec 39).

74/2 Gross indecency with a girl.
(V) *Indecency with Children Act 1960 Sec 1*
 (amended by the Criminal Justice and
 Courts Services Act 2000 Sec 39).

DEFINITION - LEGAL: GROSS INDECENCY WITH A CHILD

INDECENCY WITH CHILDREN ACT 1960 SEC 1 (AMENDED BY THE CRIMINAL JUSTICE AND COURTS SERVICES ACT 2000 SEC 39)

“Any person who commits an act of gross indecency with or towards a child under the age of 16, or who incites a child under that age to such an act with him or another ...”

74 **Gross Indecency with a Child** **Counting Rules (1 of 1)**

GENERAL RULE: **ONE CRIME FOR EACH CHILD.**

EXAMPLE 1: A man acts indecently towards four children.

Four crimes (class 74).

Finished Incident: see also General Rules Section E.

Example 1: A man is reported for the first time acting indecently towards a child on several occasions.

One crime (class 74).

88A Sexual Grooming Classification (1 of 1)

NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH EFFECT FROM MAY 2004.

88/1
(V) Meeting a female child following sexual grooming etc (Offender is aged 18 or over and victim is under 16).
Sexual Offences Act 2003 Sec 15.

88/2
(V) Meeting a male child following sexual grooming etc. (Offender is 18 or over and victim is under 16).
Sexual Offences Act 2003 Sec 15.

DEFINITION - LEGAL: MEETING A CHILD FOLLOWING SEXUAL GROOMING ETC

SEXUAL OFFENCES ACT 2003 SEC 15

"A person aged 18 or over 'A' commits an offence if:

- (a) having met or communicated with another person 'B' on at least two earlier occasions, he -
 - (i) intentionally meets 'B', or
 - (ii) travels with the intention of meeting 'B' in any part of the world,
- (b) at the time, he intends to do anything to or in respect of 'B', during or after the meeting and in any part of the world, which if done will involve the commission by 'A' of a relevant offence,
- (c) 'B' is under 16, and
- (d) 'A' does not reasonably believe that 'B' is 16 or over."

88A Sexual Grooming Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH CHILD.

EXAMPLES REQUIRED PLEASE

Principal crime: see General Rules Section F & Annex F. If a person has sexual activity with a child following grooming, record the sexual activity only if both offences are reported at the same time.

88B Other Miscellaneous Sexual Offences

No longer used from 1st April 2008. This is irrespective of whether an offence occurs before or after 1st April 2008.

Use codes 88C, 88D or 88E.

88C Other Miscellaneous Sexual Offences Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH
EFFECT FROM MAY 2004.**

88/5 Administering a substance with intent.
(V) *Sexual Offences Act 2003 Sec 61.*

88/6 Committing an offence with intent to
(V) commit a sexual offence.
Sexual Offences Act 2003 Sec 62.

88/7 Trespass with intent to commit a sexual
(V) offence.
Sexual Offences Act 2003 Sec 63.

88C Other Miscellaneous Sexual Offences Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.

EXAMPLE 1: A person's drink has been spiked with intent to engage in sexual activity to which the person does not consent.

One crime (class 88C).

EXAMPLE 2: Police become aware during the course of a rape investigation that the suspect has also spiked the drinks of three other victims with intent to rape them.

Three crimes (class 88C) on victim confirmation, in addition to the recorded rape.

EXAMPLE 3: A person enters a tent on a campsite as a trespasser with intent to sexually assault the female camper when she returns.

One crime (class 88C)

APPLICATION OF THE RULE

Administering poison with intent to injure or annoy:

If the intentions of the offender (eg in drink spiking) are sexual, record one crime of 88/5 (administering a substance with intent) under class 88C. If the intentions are unknown, record under class 8K (poisoning).

Example 1: A female's drink was spiked but the intentions of the offender, other than to annoy, are unknown.

One crime (class 8K).

Committing an offence with intent to commit a sexual offence:

This offence should only be recorded where the substantive sexual offence has not been committed. Where it has been committed, the relevant sexual offence should be recorded.

Example 1: A man steals a quantity of condoms and lubricating jelly from a chemist shop with intent on raping a woman who is sunbathing in the garden of a neighbouring premises.

One crime (class 88C) and one crime of shoplifting (class 46)

88D **Unnatural Sexual Offences Classification (1 of 1)**

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH
EFFECT FROM MAY 2004.**

88/3 Intercourse with an animal by a male.
(S) *Sexual Offences Act 2003 Sec 69 (1)(3).*

88/11 Sexual penetration of a corpse.
(S) *Sexual Offences Act 2003 Sec 70.*

88/4 Intercourse with an animal by a female.
(S) *Sexual Offences Act 2003 Sec 69(2)(3).*

88D Unnatural Sexual Offences Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER

EXAMPLE 1: Two men are seen by a farm worker apparently engaged in sexual intercourse with a number of different farm animals. Sexual contact with the animals is confirmed by forensic evidence.

Two crimes (class 88D).

APPLICATION OF THE RULE

Where these state-based offences are committed with another victim-based notifiable offence, count the other offence in addition to an offence under class 88D.

Example 1: Two offenders enter a funeral director's premises as trespassers with intent to steal money. Forensic evidence shows that whilst in the premises both offenders have sexually penetrated a corpse.

One crime (class 30) and two crimes (class 88D).

88E Exposure and Voyeurism Classification (1 of 1)

**NEW LEGISLATION INTRODUCED UNDER THE SEXUAL OFFENCES ACT 2003 WITH
EFFECT FROM MAY 2004.**

88/9 Exposure.
(S/V) **(Replaces classification 139
Indecent exposure wef May 2004)**
Sexual Offences Act 2003 Sec 66.

88/10 Voyeurism.
(S/V) *Sexual Offences Act 2003 Sec 67.*

88E Exposure and Voyeurism Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER.

EXAMPLE 1: A man exposes his person to three women. All are reported at the same time.

One crime (class 88E).

EXAMPLE 2: A group of five people expose themselves at the same time.

Five crimes (class 88E).

EXAMPLE 3: A man is caught by police peering through a crack in a curtain, for his own gratification, observing a couple having sex in a motel room.

One crime (class 88E).

Finished Incident: see also General Rules Section E.

Example 1: A man exposes himself, and the police are notified. He is cautioned by the police, but he is then reported for doing it again.

Two crimes (class 88E).

Principal Crime: see General Rules Section F & Annex F. Any threat or attempt to combine the exposure with a sexual assault should be recorded as a sexual assault.

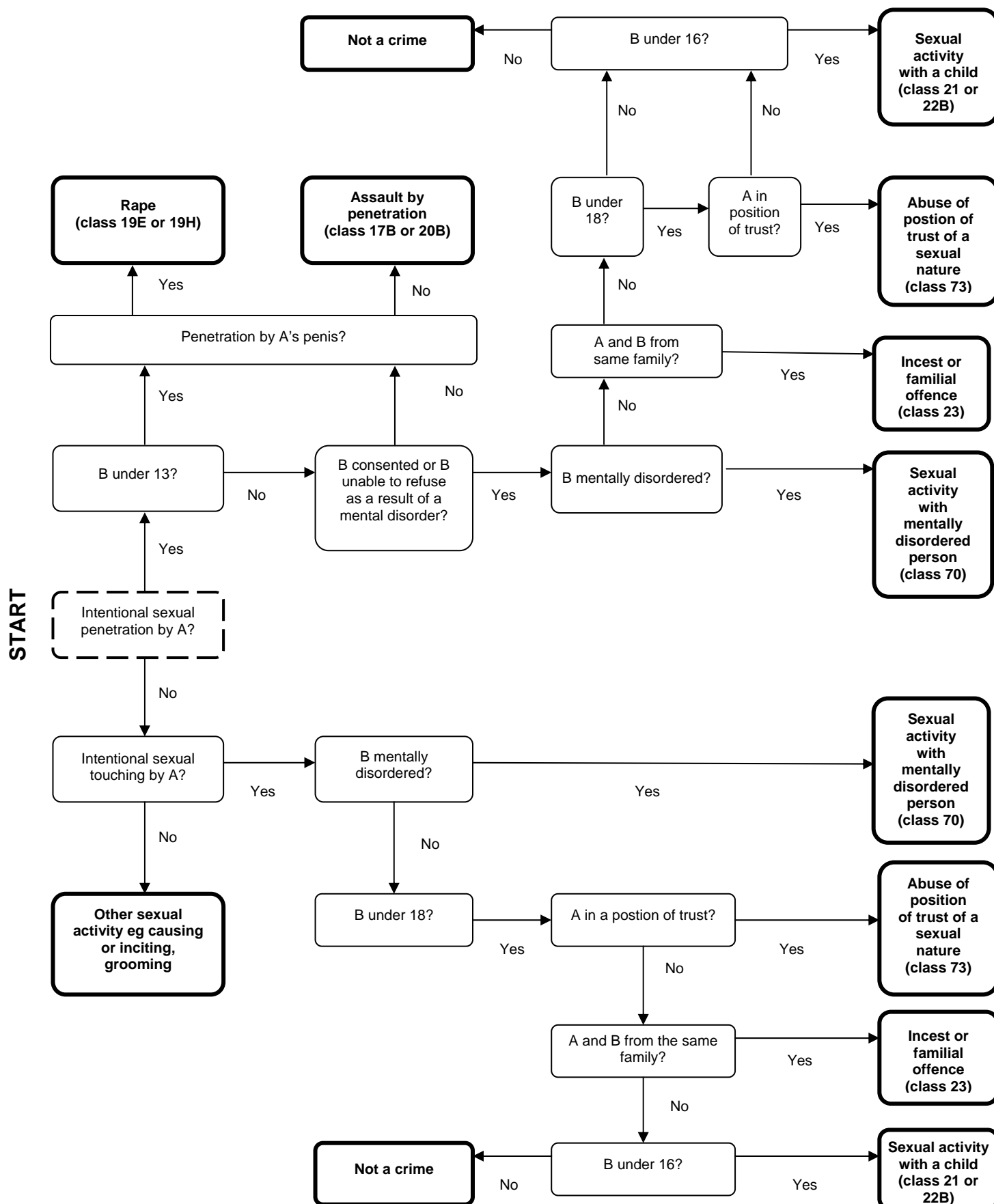
Example 1: A man exposes himself to a woman, and tries to sexually assault her.

One crime (class 20A).

Sexual Offences: Classification (1 of 1)

Flow Chart: 'A' engages in sexual activity with 'B'

NOTE: THIS CHART IS FOR GUIDANCE ON INITIAL CLASSIFICATION ONLY AND DOES NOT COVER ALL EVENTUALITIES



Maximum Sentence - Sexual Offences					
Life	14 years	10 years	7 years	5 years	2 years
16/2,12	17/16	16/11	23/2	18/3,10,11	16/5-16/6
16/21-16/28	20/6	17/11,15	24/6,11	21/12-17	18/2
17/13-14	21/3,5-9	20/1,2,5	24/17-19	21/22-25	18/4-18/9
19/7-14	21/18-21	21/10-11	70/23-24	22/12-17	19/3-4
19/16-19	22/6-9	22/4,5,10,11	71/6,7	22/22-25	22/1
20/3-4	22/18-21	70/9-10	88/1,2	23/6-7	23/3,12,13
21/1,2,4	23/4,5	70/15-16		23/10-11	24/1,3,7,10
22/2-3	23/8-9	70/19,20,22		23/16,17,20, 21,30-37	24/13,15,16
23/1	23/14,15,18,19	74/1-2		24/12,14	25/3-5
24/2	23/22-29	88/5-7		73/3-18	27
70/1,2,5,6	25/1-2				88/3-4
70/11,13	70/3,4,7,8				88/9-11
71/2-3	70/12,14				
	70/17-18,21				
	71/1,4,5				
	71/8-15				
	72/1-3				