CHAPTER 69

An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949) the statute law of England and Wales relating to sexual crimes, to the abduction, procuration and prostitution of women and to kindred offences, and to make such adaptations of statutes extending beyond England and Wales as are needed in consequence of that consolidation. [2nd August, 1956]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

Intercourse by force, intimidation, etc.

1.—(1) It is felony for a man to rape a woman. **Rape.**

(2) A man who induces a married woman to have sexual intercourse with him by impersonating her husband commits rape.

2.—(1) It is an offence for a person to procure a woman, by threats or intimidation, to have unlawful sexual intercourse in any part of the world. **Procurement of woman by threats.**

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

PART I —*cont.*

Procurement of woman by false pretences.

3.—(1) It is an offence for a person to procure a woman, by false pretences or false representations, to have unlawful sexual intercourse in any part of the world.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Administering drugs to obtain or facilitate intercourse.

4.—(1) It is an offence for a person to apply or administer to, or cause to be taken by, a woman any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any man to have unlawful sexual intercourse with her.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Intercourse with girls under sixteen

Intercourse with girl under thirteen.

5. It is felony for a man to have unlawful sexual intercourse with a girl under the age of thirteen.

Intercourse with girl between thirteen and sixteen.

6.—(1) It is an offence, subject to the exceptions mentioned in this section, for a man to have unlawful sexual intercourse with a girl not under the age of thirteen but under the age of sixteen.

(2) Where a marriage is invalid under section two of the Marriage Act, 1949, or section one of the Age of Marriage Act, 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of an offence under this section because he has sexual intercourse with her, if he believes her to be his wife and has reasonable cause for the belief.

(3) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a girl under the age of sixteen, if he is under the age of twenty-four and has not previously been charged with a like offence, and he believes her to be of the age of sixteen or over and has reasonable cause for the belief.

In this subsection, "a like offence" means an offence under this section or an attempt to commit one, or an offence under paragraph (1) of section five of the Criminal Law Amendment Act, 1885 (the provision replaced for England and Wales by this section).

Intercourse with defectives

Intercourse with an idiot or imbecile.

7. It is an offence for a man to have unlawful sexual intercourse with a woman whom he knows to be an idiot or imbecile.

PART I —*cont.*

Intercourse with defective.

8.—(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 under care or treatment in an institution, certified house or approved home within the meaning of the Mental Deficiency Act, 1913, or placed out on licence therefrom or under guardianship under that Act.

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

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, 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 her 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.

Unnatural offences

Buggery.

12.—(1) It is felony for a person to commit buggery with another person or with an animal.

(2) Section thirty-nine of this Act (which relates to the competence as a witness of the wife or husband of the accused) does not apply in the case of this section, except on a charge of an offence with a person under the age of seventeen.

PART I —*cont.*

(3) For the purposes of the last foregoing subsection a person shall be presumed, unless the contrary is proved, to have been under the age of seventeen at the time of the offence charged if he is stated in the charge or indictment, and appears to the court, to have been so.

Indecency between men.

13. It is an offence for a man to commit an act of gross indecency with another man, whether in public or 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.

Assaults

Indecent assault on a woman.

14.—(1) It is an offence, subject to the exception mentioned in subsection (3) of this section, for a person to make an indecent assault on a woman.

(2) A girl under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(3) Where a marriage is invalid under section two of the Marriage Act, 1949, or section one of the Age of Marriage Act, 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of any offence under this section by reason of her incapacity to consent while under that age, if he believes her to be his wife and has reasonable cause for the belief.

(4) A woman who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect her to be a defective.

Indecent assault on a man.

15.—(1) It is an offence for a person to make an indecent assault on a man.

(2) A boy under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(3) A man who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect him to be a defective.

(4) Section thirty-nine of this Act (which relates to the competence as a witness of the wife or husband of the accused) does

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not apply in the case of this section, except on a charge of indecent assault on a boy under the age of seventeen.

(5) For the purposes of the last foregoing subsection a person shall be presumed, unless the contrary is proved, to have been under the age of seventeen at the time of the offence charged if he is stated in the charge or indictment, and appears to the court, to have been so.

Assault with intent to commit buggery.

16.—(1) It is an offence for a person to assault another person with intent to commit buggery.

(2) Section thirty-nine of this Act (which relates to the competence as a witness of the wife or husband of the accused) does not apply in the case of this section, except on a charge of an assault on a person under the age of seventeen.

(3) For the purposes of the last foregoing subsection a person shall be presumed, unless the contrary is proved, to have been under the age of seventeen at the time of the offence charged if he is stated in the charge or indictment, and appears to the court, to have been so.

Abduction

Abduction of woman by force or for the sake of her property.

17.—(1) It is felony for a person to take away or detain a woman against her will with the intention that she shall marry or have unlawful sexual intercourse with that or any other person, if she is so taken away or detained either by force or for the sake of her property or expectations of property.

(2) In the foregoing subsection, the reference to a woman's expectations of property relates only to property of a person to whom she is next of kin or one of the next of kin, and "property" includes any interest in property.

Fraudulent abduction of heiress from parent or guardian.

18.—(1) It is felony for a person to take or detain a girl under the age of twenty-one out of the possession of her parent or guardian against his will, if she has property or expectations of property and is so taken or detained by fraud and with the intention that she shall marry or have unlawful sexual intercourse with that or any other person.

(2) In the foregoing subsection, the reference to a girl's expectations of property relates only to property of a person to whom she is next of kin or one of the next of kin, "property" includes any interest in property and "guardian" means any person having the lawful care or charge of the girl.

PART I —*cont.*

Abduction of unmarried girl under eighteen from parent or guardian.

19.—(1) It is an offence, subject to the exception mentioned in this section, for a person to take an unmarried girl under the age of eighteen 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 girl out of the possession of her parent or guardian as mentioned above, if he believes her to be of the age of eighteen or over and has reasonable cause for the belief.

(3) In this section "guardian" means any person having the lawful care or charge of the girl.

Abduction of unmarried girl under sixteen from parent or guardian.

20.—(1) It is an offence for a person acting without lawful authority or excuse to take an unmarried girl under the age of sixteen out of the possession of her parent or guardian against his will.

(2) In the foregoing subsection "guardian" means any person having the lawful care or charge of the girl.

Abduction of 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 lawful care or charge of the woman.

Prostitution, procuration etc.

Causing prostitution of women.

22.—(1) It is an offence for a person—

(*a*) to procure a woman to become, in any part of the world, a common prostitute; or

(*b*) to procure a woman to leave the United Kingdom, intending her to become an inmate of or frequent a brothel elsewhere; or

(*c*) to procure a woman to leave her usual place of abode in the United Kingdom, intending her to become an inmate of or frequent a brothel in any part of the world for the purposes of prostitution.

PART I —*cont.*

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Procuration of girl under twenty-one.

23.—(1) It is an offence for a person to procure a girl under the age of twenty-one to have unlawful sexual intercourse in any part of the world with a third person.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Detention of woman in brothel or other premises.

24.—(1) It is an offence for a person to detain a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse with men or with a particular man, or to detain a woman against her will in a brothel.

(2) Where a woman is on any premises for the purpose of having unlawful sexual intercourse or is in a brothel, a person shall be deemed for the purpose of the foregoing subsection to detain her there if, with the intention of compelling or inducing her to remain there, he either withholds from her her clothes or any other property belonging to her or threatens her with legal proceedings in the event of her taking away clothes provided for her by him or on his directions.

(3) A woman shall not be liable to any legal proceedings, whether civil or criminal, for taking away or being found in possession of any clothes she needed to enable her to leave premises on which she was for the purpose of having unlawful sexual intercourse or to leave a brothel.

Permitting girl under thirteen to use premises for intercourse.

25. It is felony 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 girl under the age of thirteen to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

Permitting girl between thirteen and sixteen to use premises for intercourse.

26. It is an offence 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 girl not under the age of thirteen, but under the age of sixteen, to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

PART I —*cont.*

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.

Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen.

28.—(1) It is an offence for a person to cause or encourage the prostitution of, or the commission of unlawful sexual intercourse with, or of an indecent assault on, a girl under the age of sixteen for whom he is responsible.

(2) Where a girl has become a prostitute, or has had unlawful sexual intercourse, or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged it, if he knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

(3) The persons who are to be treated for the purposes of this section as responsible for a girl are (subject to the next following subsection)—

(*a*) any person who is her parent or legal guardian; and

(*b*) any person who has actual possession or control of her, or to whose charge she has been committed by her parent or legal guardian or by a person having the custody of her; and

(*c*) any other person who has the custody, charge or care of her.

(4) In the last foregoing subsection—

(*a*) "parent" does not include, in relation to any girl, a person deprived of the custody of her by order of a court of competent jurisdiction but (subject to that), in the case of a girl who has been adopted under the Adoption Act, 1950, or any Act thereby repealed, means her adopters and, in the case of a girl who is illegitimate (and has not been so adopted), means her mother and any person who has been adjudged to be her putative father;

(*b*) "legal guardian" means, in relation to any girl, any person who is for the time being her guardian, having been appointed according to law by deed or will or by order of a court of competent jurisdiction.

PART I —*cont.*

(5) If, on a charge of an offence against a girl under this section, the girl appears to the court to have been under the age of sixteen at the time of the offence charged, she shall be presumed for the purposes of this section to have been so, unless the contrary is proved.

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.

Man living on earnings of prostitution.

30.—(1) It is an offence for a man knowingly to live wholly or in part on the earnings of prostitution.

(2) For the purposes of this section a man who lives with or is habitually in the company of a prostitute, or who exercises control, direction or influence over a prostitute's movements in a way which shows he is aiding, abetting or compelling her prostitution with others, shall be presumed to be knowingly living on the earnings of prostitution, unless he proves the contrary.

Woman exercising control over prostitute.

31. It is an offence for a woman for purposes of gain to exercise control, direction or influence over a prostitute's movements in a way which shows she is aiding, abetting or compelling her prostitution.

Solicitation

Solicitation by men.

32. It is an offence for a man persistently to solicit or importune in a public place for immoral purposes.

Suppression of brothels

Keeping a brothel.

33. It is an offence for a person to keep a brothel, or to manage, or act or assist in the management of, a brothel.

Landlord letting premises for use as brothel.

34. It is an offence for the lessor or landlord of any premises or his agent to let the whole or part of the premises with the knowledge that it is to be used, in whole or in part, as a brothel, or, where the whole or part of the premises is used as a brothel, to be wilfully a party to that use continuing.

Tenant permitting premises to be used as brothel.

35.—(1) It is an offence for the tenant or occupier, or person in charge, of any premises knowingly to permit the whole or part of the premises to be used as a brothel.

PART I —*cont.*

(2) Where the tenant or occupier of any premises is convicted (whether under this section or, for an offence committed before the commencement of this Act, under section thirteen of the Criminal Law Amendment Act, 1885) of knowingly permitting the whole or part of the premises to be used as a brothel, the First Schedule to this Act shall apply to enlarge the rights of the lessor or landlord with respect to the assignment or determination of the lease or other contract under which the premises are held by the person convicted.

(3) Where the tenant or occupier of any premises is so convicted, or was so convicted under the said section thirteen before the commencement of this Act, and either—

(*a*) the lessor or landlord, after having the conviction brought to his notice, fails or failed to exercise his statutory rights in relation to the lease or contract under which the premises are or were held by the person convicted; or

(*b*) the lessor or landlord, after exercising his statutory rights so as to determine that lease or contract, grants or granted a new lease or enters or entered into a new contract of tenancy of the premises to, with or for the benefit of the same person, without having all reasonable provisions to prevent the recurrence of the offence inserted in the new lease or contract;

then, if subsequently an offence under this section is committed in respect of the premises during the subsistence of the lease or contract referred to in paragraph (*a*) of this subsection or (where paragraph (*b*) applies) during the subsistence of the new lease or contract, the lessor or landlord shall be deemed to be a party to that offence unless he shows that he took all reasonable steps to prevent the recurrence of the offence.

References in this subsection to the statutory rights of a lessor or landlord refer to his rights under the First Schedule to this Act or under subsection (1) of section five of the Criminal Law Amendment Act, 1912 (the provision replaced for England and Wales by that Schedule).

Tenant permitting premises to be used for prostitution.

36. It is an offence for the tenant or occupier of any premises knowingly to permit the whole or part of the premises to be used for the purposes of habitual prostitution.

Powers and procedure for dealing with offenders

Prosecution and punishment of offences.

37.—(1) The Second Schedule to this Act shall have effect, subject to and in accordance with the following provisions of this section, with respect to the prosecution and punishment of the offences listed in the first column of the Schedule, being the offences under this Act and attempts to commit certain of those offences.

(2) The second column in the Schedule shows, for any offence, if it may be prosecuted on indictment or summarily, or either, if an indictment is not triable by a court of quarter sessions and what special restrictions (if any) there are on the commencement of a prosecution.

(3) The third column in the Schedule shows, for any offence, the punishments which may be imposed on conviction on indictment or on summary conviction, a reference to a period giving the maximum term of imprisonment and a reference to a sum of money the maximum fine.

(4) The fourth column in the Schedule contains provisions which are either supplementary to those in the second or third column or enable a person charged on indictment with the offence specified in the first column to be found guilty of another offence if the jury are not satisfied that he is guilty of the offence charged or of an attempt to commit it, but are satisfied that he is guilty of the other offence.

(5) A provision in the fourth column of the Schedule enabling the jury to find the accused guilty of an offence specified in that provision authorises them, if not satisfied that he is guilty of the offence so specified, to find him guilty of any other offence of which they could find him guilty if he had been indicted for the offence so specified.

(6) Where in the Schedule there is used a phrase descriptive of an offence or group of offences followed by a reference to a section by its number only, the reference is to a section of this Act, and the phrase shall be taken as referring to any offence under the section mentioned.

(7) Nothing in this section or in the Second Schedule to this Act shall exclude the application to any of the offences referred to in the first column of the Schedule—

(*a*) of section twenty or twenty-one of the Magistrates' Courts Act, 1952 (which relate to the summary trial of young offenders for indictable offences); or

(*b*) of subsection (5) of section ninety-eight of that Act (which limits the punishment which may be imposed by a magistrates' court sitting in an occasional courthouse); or

(*c*) of any enactment or rule of law restricting a court's power to imprison; or

(*d*) of any enactment or rule of law authorising an offender to be dealt with in a way not authorised by the enactments specially relating to his offence; or

(*e*) of any enactment or rule of law authorising a jury to find a person guilty of an offence other than that with which he is charged.

PART I —*cont.*

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

38.—(1) On a man's conviction of an offence under section ten of this Act against a girl under the age of twenty-one, or of attempting to commit such an offence, the court may by order divest him of all authority over her.

(2) An order divesting a man of authority over a girl under the foregoing subsection may, if he is her guardian, remove him from the guardianship.

(3) An order under this section may appoint a person to be the girl's guardian during her minority or any less period.

(4) An order under this section may be varied from time to time or rescinded by the High Court.

Evidence of wife or husband of accused.

39.—(1) Where this section applies, the wife or husband of the accused shall be competent to give evidence at every stage of the proceedings, whether for the defence or for the prosecution, and whether the accused is charged solely or jointly with any other person:

Provided that—

(*a*) the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused; and

(*b*) the failure of the wife or husband of the accused to give evidence shall not be made the subject of any comment by the prosecution.

(2) Subject to the following subsection, this section applies on a charge of any offence under this Act, except in so far as it is excluded in the case of section twelve (buggery), section fifteen (indecent assault on a man) and section sixteen (assault with intent to commit buggery).

(3) This section shall not affect section one of the Criminal Evidence Act, 1898, or any case where the wife or husband of the accused may at common law be called as a witness without the consent of the accused.

Powers of arrest and search

Power of arrest in case of procuration or prostitution of women.

40. A constable may arrest a person without a warrant, if the constable suspects him of having committed, or of attempting to commit, an offence under section twenty-two or twenty-three of this Act, and has reasonable cause so to suspect.

Power of arrest in cases of trading in prostitution, or of soliciting by men.

41. Anyone may arrest without a warrant a person found committing an offence under section thirty, thirty-one or thirty-two of this Act.

Power of search in case of man living on earnings of prostitution.

42. Where it is made to appear by information on oath before a justice of the peace that there is reasonable cause to suspect that any house or part of a house is used by a woman for purposes of prostitution, and that a man residing in or frequenting the house is living wholly or in part on her earnings, the justice may issue a warrant authorising a constable to enter and search the house and to arrest the man.

Power to search for and remove woman detained for immoral purposes.

43.—(1) Where it is made to appear by information on oath laid before a justice of the peace by a woman's parent, relative or guardian, or by any other person who in the opinion of the justice is acting in the woman's interests, that there is reasonable cause to suspect—

(*a*) that the woman is detained in any place within the justice's jurisdiction in order that she may have unlawful sexual intercourse with men or with a particular man; and

(*b*) that either she is so detained against her will, or she is under the age of sixteen or is a defective, or she is under the age of eighteen and is so detained against the will of her parent or guardian;

then the justice may issue a warrant authorising a named constable to search for her and to take her to and detain her in a place of safety until she can be brought before a justice of the peace.

(2) A justice before whom a woman is brought in pursuance of the foregoing subsection may cause her to be delivered up to her parent or guardian, or otherwise dealt with as circumstances may permit and require.

(3) A constable authorised by a warrant under this section to search for a woman may enter (if need be, by force) any premises specified in the warrant, and remove the woman from the premises.

(4) A constable executing a warrant issued under this section shall be accompanied by the person applying for the warrant, if that person so desires, unless the justice issuing it otherwise directs.

(5) In this section "guardian" means any person having the lawful care or charge of the woman.

(6) The powers conferred by this section shall be in addition to and not in derogation of those conferred by section forty of the Children and Young Persons Act, 1933.

Interpretation

Meaning of "sexual intercourse".

44. Where, on the trial of any offence under this Act, it is necessary to prove sexual intercourse (whether natural or unnatural), it shall not be necessary to prove the completion of the intercourse by the emission of seed, but the intercourse shall be deemed complete upon proof of penetration only.

PART I —*cont.*

Meaning of "defective".

45.—(1) In this Act, "defective" means a person—

(*a*) in whose case there exists mental defectiveness which is of such a degree that he requires care, supervision and control for his own protection or for the protection of others or, in the case of a child, involves disability of mind of such a nature and extent as to make him, for the purposes of section fifty-seven of the Education Act, 1944, incapable of receiving education at school; or

(*b*) in whose case there exists mental defectiveness coupled with strongly vicious or criminal propensities and who requires care, supervision and control for the protection of others.

(2) For the purposes of this section, "mental defectiveness" means a condition of arrested or incomplete development of mind existing before the age of eighteen, whether arising from inherent causes or induced by disease or injury.

Use of words "man", "boy", "woman" and "girl".

46. The use in any provision of this Act of the word "man" without the addition of the word "boy", or vice versa, shall not prevent the provision applying to any person to whom it would have applied if both words had been used, and similarly with the words "woman" and "girl".

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 on the person relying on it.

PART II

SUPPLEMENTARY

Consequential amendments

Amendments of Acts not consolidated.

48. The enactments mentioned in the first column of the Third Schedule to this Act shall be amended as shown in the second column of the Schedule.

Adaptation of enactments applying to Scotland.

49. In Scotland—

(*a*) a charge of an offence under section six of this Act, or of an attempt to commit one, shall be taken into account under the proviso to section two of the Criminal Law Amendment Act, 1922, in the same way as a charge of an offence under paragraph (1) of section five of the Criminal Law Amendment Act, 1885;

PART II —*cont.*

(*b*) a conviction under section thirty-three, thirty-four, thirty-five or thirty-six of this Act shall be taken into account under section three of the Criminal Law Amendment Act, 1922, in the same way as a conviction under section thirteen of the Criminal Law Amendment Act, 1885.

Adaptation of enactments applying to Northern Ireland.

50.—(1) In Northern Ireland, a conviction under section thirty-three, thirty-four, thirty-five or thirty-six of this Act shall be taken into account under section three of the Criminal Law Amendment Act (Northern Ireland), 1923, in the same way as a conviction under section thirteen of the Criminal Law Amendment Act, 1885.

(2) The foregoing subsection shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to have been passed before the appointed day.

Repeal.

51. Subject to the following provisions of this Act, the enactments specified in the Fourth Schedule to this Act are repealed to the extent specified in the third column of that Schedule.

Savings, etc.

52.—(1) Nothing in this Act shall affect any previous enactment in its operation in relation to offences under any such enactment committed or partly committed before the commencement of this Act, or in relation to anything done before that commencement under the authority or for the purposes of any such enactment:

Provided that subsection (1) of section five of the Criminal Law Amendment Act, 1912, shall not apply where the First Schedule to this Act applies by virtue of subsection (2) of section thirty-five of this Act.

(2) Subject to the provisions of this Act, and in particular to those of the Third Schedule, any reference in any document to an enactment repealed by this Act shall be construed as referring, or as including a reference, to the corresponding provision of this Act, so far as may be necessary to prevent this Act altering the substantial effect of the document.

(3) Without prejudice to the last foregoing subsection any reference in any document to an offence under an enactment repealed by this Act, if it referred, or included a reference, to an attempt to commit an offence under such an enactment, shall be construed as referring, or as including a reference, to an attempt to commit the corresponding offence under this Act, so far as may be necessary to prevent this Act altering the substantial effect of the document.

(4) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

PART II —*cont.*

Construction of references to enactments.

53. Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by any subsequent enactment, including this Act.

Extent.

54.—(1) This Act shall not extend to Scotland, except section forty-nine and so much of the Third Schedule as amends the Extradition Act, 1873.

(2) This Act shall not extend to Northern Ireland, except section fifty and so much of the Third Schedule as amends the Extradition Act, 1873.

Short title.

55. This Act may be cited as the Sexual Offences Act, 1956.

Commencement.

56. This Act shall come into force on the first day of January, nineteen hundred and fifty-seven.

SCHEDULES

FIRST SCHEDULE

Section 35.

RIGHTS OF LANDLORD WHERE TENANT CONVICTED OF PERMITTING USE OF PREMISES AS BROTHEL

1. Upon the conviction of the tenant or occupier (in this Schedule referred to as "the tenant"), the lessor or landlord may require the tenant to assign the lease or other contract under which the premises are held by him to some person approved by the lessor or landlord.

2. If the tenant fails to do so within three months, the lessor or landlord may determine the lease or contract (but without prejudice to the rights or remedies of any party thereto accrued before the date of the determination).

3. Where the lease or contract is determined under this Schedule, the court by which the tenant was convicted may make a summary order for delivery of possession of the premises to the lessor or landlord.

4. The approval of the lessor or landlord for the purposes of paragraph 1 of this Schedule shall not be unreasonably withheld.

5. This Schedule shall have effect subject to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, the Furnished Houses (Rent Control) Act, 1946, Part II of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and Part I of the Landlord and Tenant Act, 1954.

Section 37.

SECOND SCHEDULE

TABLE OF OFFENCES, WITH MODE OF PROSECUTION, PUNISHMENTS, ETC.

PART I

Felonies and attempts at felonies

Offence	Mode of prosecution	Punishment	Provisions as to alternative verdicts etc.
1. (*a*) Rape (section one) ...	On indictment, not triable at quarter sessions.	Life	The jury may find the accused guilty— (i) of procurement of a woman by threats (section two); or (ii) of procurement of a woman by false pretences (section three); or (iii) of administering drugs to obtain or facilitate intercourse (section four); or (iv) of intercourse with a girl under thirteen (section five); or (v) of intercourse with a girl between thirteen and sixteen (section six); or (vi) of intercourse with an idiot or imbecile (section seven); or

			(vii) of intercourse with a defective (section eight); or (viii) of incest (section ten); or (ix) of indecent assault on a woman (section fourteen).
(*b*) An attempt to commit this offence.	On indictment	Seven years	—
2. (*a*) Intercourse with girl under thirteen (section five).	On indictment, not triable at quarter sessions.	Life	The jury may find the accused guilty of any of the offences mentioned in paragraphs (i), (ii), (iii), (v), (vi), and (ix) of the foregoing entry in this column.
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions.	Two years	—
3. (*a*) Buggery (section twelve)	On indictment, not triable at quarter sessions.	Life	—
(*b*) An attempt to commit this offence.	On indictment	Ten years	—
4. Abduction of woman by force or for the sake of her property (section seventeen).	On indictment, not triable at quarter sessions.	Fourteen years	—
5. Fraudulent abduction of heiress from parent or guardian (section eighteen).	On indictment, not triable at quarter sessions.	Fourteen years	—

Offence	Mode of prosecution	Punishment	Provisions as to alternative verdicts etc.
6. Permitting girl under thirteen to use premises for intercourse (section twenty-five).	On indictment, not triable at quarter sessions.	Life	The jury may find the accused guilty of an offence under section three of the Children and Young Persons Act, 1933.
	PART II		
	Offences other than felonies and attempts at felonies		
7. (*a*) Procurement of woman by threats (section two).	On indictment, not triable at quarter sessions.	Two years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions.	Two years	—
8. Procurement of woman by false pretences (section three).	On indictment, not triable at quarter sessions.	Two years	—
9. Administering drugs to obtain or facilitate intercourse (section four).	On indictment, not triable at quarter sessions.	Two years	—
10. (*a*) Intercourse with girl between thirteen and sixteen (section six).	On indictment, not triable at quarter sessions; a prosecution may not be commenced more than twelve months after the offence charged.	Two years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions; a prosecution may not be commenced more than twelve months after the offence charged.	Two years	—

2ND SCH —*cont*

11. (*a*) Intercourse with idiot or imbecile (section seven).	On indictment, not triable at quarter sessions.	Two years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions.	Two years	—
12. (*a*) Intercourse with defective (section eight).	On indictment, not triable at quarter sessions.	Two years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions.	Two years	—
13. (*a*) Procurement of defective (section nine).	On indictment, not triable at quarter sessions.	Two years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions.	Two years	—
14. (*a*) Incest by a man (section ten).	On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933).	If with a girl under thirteen, and so charged in the indictment, life; otherwise seven years.	The jury may find the accused guilty— (i) of intercourse with a girl under thirteen (section five); or (ii) of intercourse with a girl between thirteen and sixteen (section six); or (iii) of intercourse with an idiot or imbecile (section seven).

Offence	Mode of prosecution	Punishment	Provisions as to alternative verdicts etc.
14.—*cont.*			
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933).	Two years	—
15. (*a*) Incest by a woman (section eleven).	On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933).	Seven years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933).	Two years	—

2ND SCH. —*cont.*

16. (*a*) Indecency between men (section thirteen).	On indictment, triable at quarter sessions under section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which relates to courts with a legally qualified chairman), but not otherwise.	Two years	—
(*b*) An attempt to procure the commission by a man of an act of gross indecency with another man.	On indictment, triable at quarter sessions under section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which relates to courts with a legally qualified chairman), but not otherwise.	Two years	—
17. Indecent assault on a woman (section fourteen).	(i) On indictment	Two years	—
	(ii) Where section nineteen of the Magistrates' Courts Act, 1952, applies, summarily under that section.	As provided by that section (that is to say, six months, or one hundred pounds, or both).	—
18. Indecent assault on a man (section fifteen).	(i) On indictment	Ten years...	—
	(ii) Where section nineteen of the Magistrates' Courts Act, 1952, applies, summarily under that section.	As provided by that section (that is to say, six months or one hundred pounds, or both).	—
19. Assault with intent to commit buggery (section sixteen).	On indictment	Ten years	—
20. Abduction of girl under eighteen from parent or guardian (section nineteen).	On indictment, not triable at quarter sessions.	Two years	—

Offence	Mode of prosecution	Punishment	Provisions as to alternative verdicts etc.
21. Abduction of girl under sixteen from parent or guardian (section twenty).	On indictment, not triable at quarter sessions.	Two years	—
22. Abduction of defective from parent or guardian (section twenty-one).	On indictment, not triable at quarter sessions.	Two years	—
23. (*a*) Causing prostitution of a woman (section twenty-two).	On indictment, not triable at quarter sessions.	Two years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions.	Two years	—
24. (*a*) Procuration of girl under twenty-one (section twenty-three).	On indictment, not triable at quarter sessions.	Two years	—
(*b*) An attempt to commit this offence.	On indictment, not triable at quarter sessions.	Two years	—
25. Detention of woman in brothel (section twenty-four).	On indictment, not triable at quarter sessions.	Two years	—
26. Permitting girl between thirteen and sixteen to use premises for intercourse (section twenty-six).	On indictment, not triable at quarter sessions.	Two years	The jury may find the accused guilty of an offence under section three of the Children and Young Persons Act, 1933.

2ND SCH. —*cont.*

27. Permitting defective to use premises for intercourse (section twenty-seven).	On indictment, not triable at quarter sessions.	Two years	—
28. Causing or encouraging prostitution, etc., of girl under sixteen (section twenty-eight).	On indictment	Two years	—
29. Causing or encouraging prostitution of defective (section twenty-nine).	On indictment, not triable at quarter sessions.	Two years	—
30. Living on earnings of prostitution (section thirty).	(i) On indictment	Two years	—
	(ii) Summarily	Six months	The accused cannot claim to be tried on indictment under section twenty-five of the Magistrates' Courts Act, 1952.
31. Controlling a prostitute (section thirty-one).	(i) On indictment	Two years	—
	(ii) Summarily	Six months	The accused cannot claim to be tried on indictment under section twenty-five of the Magistrates' Courts Act, 1952.
32. Solicitation by a man (section thirty-two).	(i) On indictment	Two years	—
	(ii) Summarily	Six months	The accused cannot claim to be tried on indictment under section twenty-five of the Magistrates' Courts Act, 1952.

Offence	Mode of prosecution	Punishment	Provisions as to alternative verdicts etc.
33. Keeping a brothel (section thirty-three).	Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment).	For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both.	A conviction of an offence punishable under section thirty-four, thirty-five or thirty-six of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-three of this Act.
34. Letting premises for use as brothel (section thirty-four).	Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment).	For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both.	A conviction of an offence punishable under section thirty-three, thirty-five or thirty-six of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-four of this Act.

35. Tenant permitting premises to be used as brothel (section thirty-five).	Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment).	For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both.	A conviction of an offence punishable under section thirty-three, thirty-four or thirty-six of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-five of this Act.
36. Tenant permitting premises to be used for prostitution (section thirty-six).	Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment).	For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both.	A conviction of an offence punishable under section thirty-three, thirty-four or thirty-five of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-six of this Act.

Section 48.

THIRD SCHEDULE

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS NOT CONSOLIDATED

Enactment and subject matter	*Amendment*
THE EXTRADITION ACT, 1873	
First Schedule (List of extradition crimes).	At the end of the Schedule there shall be added the entry— "Any indictable offence under the Sexual Offences Act, 1956, or any Act amending or substituted for the same, which is not included in the first schedule to the principal Act, and in the case of sections two, five to twelve twenty-two and twenty-three of the Sexual Offences Act, 1956, any attempt to commit the offence".
THE CHILDREN AND YOUNG PERSONS ACT, 1933	
Section fifteen (Evidence of accused's husband or wife).	After the words "the offences mentioned in the First Schedule to this Act" there shall be inserted the words "otherwise than in the entry relating to the Sexual Offences Act, 1956".
Subsection (1) of section sixty-one (Meaning of "in need of care and protection").	In sub-paragraph (iv) of paragraph (*b*) for the words "has committed an offence under the Punishment of Incest Act, 1908" there shall be substituted the words "has committed or attempted to commit an offence under section ten of the Sexual Offences Act, 1956".
Subsection (2) of section ninety-nine (Presumption as to truth of allegations about a person's age in a charge or indictment).	For the words "except an offence under the Criminal Law Amendment Act, 1885" there shall be substituted the words "except as provided in that Schedule".
First Schedule (Offences to which special provisions of the Act apply).	Immediately before the last entry there shall be inserted the following entry:— "Any offence against a child or young person under any of the following sections of the Sexual Offences Act, 1956, that is to say sections two to seven, ten to sixteen, nineteen, twenty, twenty-two to twenty-six and twenty-eight, and any attempt

Enactment and subject matter	*Amendment*
THE CHILDREN AND YOUNG PERSONS ACT, 1933—*continued.*	
First Schedule—*continued.*	to commit against a child or young person an offence under section two, five, six, seven, ten, eleven, twelve, twenty-two or twenty-three of that Act: Provided that for the purposes of subsection (2) of section ninety-nine of this Act this entry shall apply so far only as it relates to offences under sections ten, eleven, twelve, fourteen, fifteen, sixteen, twenty and twenty-eight of the Sexual Offences Act, 1956, and attempts to commit offences under sections ten, eleven and twelve of that Act".
THE FIREARMS ACT, 1937	
Third Schedule (Offences in connection with which the carrying of firearms is penalised by subsection (2) of section twenty-three of the Act).	After the entry relating to the Road Traffic Act, 1930, there shall be inserted the following entry:— " Offences under the following provisions of the Sexual Offences Act, 1956, that is to say, section one, section seventeen, section eighteen and section twenty".
THE ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT, 1938.	
First Schedule (Offences to which the provisions of section two as to the jurisdiction of quarter sessions apply).	For paragraph 5 there shall be substituted the following paragraph:— " 5. Offences under section thirteen of the Sexual Offences Act, 1956".
THE MAGISTRATES' COURTS ACT, 1952.	
Subsection (1) of section twenty-five (Right to claim trial by jury).	For the words " under section one of the Vagrancy Act, 1898" there shall be substituted the words " under section thirty, thirty-one or thirty-two of the Sexual Offences Act, 1956".

3RD SCH. —*cont.*

Enactment and subject matter	*Amendment*
THE VISITING FORCES ACT, 1952	
Paragraph 1 of the Schedule (Offences not triable by United Kingdom courts in the cases provided for by section three of the Act).	At the end of sub-paragraph (*b*) there shall be added as a new paragraph (viii):— "(viii) sections two to twenty-eight of the Sexual Offences Act, 1956".

Section 51.

FOURTH SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
24 & 25 Vict. c. 100.	The Offences against the Person Act, 1861.	Sections forty-eight, fifty-two to fifty-five and sixty-one to sixty-three and, so far as they relate to offences mentioned in those sections, sections sixty-four to sixty-eight and seventy-one.
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	The whole Act.
61 & 62 Vict. c. 36.	The Criminal Evidence Act, 1898.	In the Schedule, the entries relating to the Offences against the Person Act, 1861, to the Criminal Law Amendment Act, 1885, to the Punishment of Incest Act, 1908, and to the Mental Deficiency Act, 1913.
61 & 62 Vict. c. 39.	The Vagrancy Act, 1898 ...	The whole Act.
8 Edw. 7. c. 45	The Punishment of Incest Act, 1908.	The whole Act.
2 & 3 Geo. 5. c. 20.	The Criminal Law Amendment Act, 1912.	The whole Act.
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	Section fifty-six; in subsection (1) of section sixty, the words "except where otherwise expressly provided".
12 & 13 Geo. 5. c. 56.	The Criminal Law Amendment Act, 1922.	The whole Act.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Paragraph 3 of the First Schedule.
18 & 19 Geo. 5. c. 42.	The Criminal Law Amendment Act, 1928.	The whole Act.
19 & 20 Geo. 5. c. 36.	The Age of Marriage Act, 1929.	The proviso to subsection (1) of section one.

4TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	Section two; subsection (2) of section three; in the First Schedule, the words "fifty-five", the words "fifty-two or sixty-two", the words "or under the Criminal Law Amendment Act, 1885", the entry relating to the Punishment of Incest Act, 1908, and the word "two" in the next following entry.
1 Edw. 8. and 1 Geo. 6. c. 12.	The Firearms Act, 1937 ...	In the Third Schedule, in the entry relating to the Offences against the Person Act, 1861, the words "forty-eight, and sections fifty-three to".
11 & 12 Geo. 6. c. 19.	The Attempted Rape Act, 1948.	The whole Act.
14 & 15 Geo. 6. c. 36.	The Criminal Law Amendment Act, 1951.	The whole Act.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 67.	The Visiting Forces Act, 1952.	In sub-paragraph (*b*) of paragraph 1 of the Schedule, paragraphs (ii) and (iii) and in paragraph (iv) the words "section fifty-six of the Mental Deficiency Act, 1913, and".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Extradition Act, 1873	36 & 37 Vict. c. 60.
Criminal Law Amendment Act, 1885	48 & 49 Vict. c. 69.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Criminal Evidence Act, 1898	61 & 62 Vict. c. 36.
Punishment of Incest Act, 1908	8 Edw. 7. c. 45.
Criminal Law Amendment Act, 1912	2 & 3 Geo. 5. c. 20.
Mental Deficiency Act, 1913	3 & 4 Geo. 5. c. 28.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Criminal Law Amendment Act, 1922	12 & 13 Geo. 5. c. 56.
Age of Marriage Act, 1929	19 & 20 Geo. 5. c. 36.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Firearms Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 12.
Administration of Justice (Miscellaneous Provisions) Act, 1938	1 & 2 Geo. 6. c. 63.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Furnished Houses (Rent Control) Act, 1946 ...	9 & 10 Geo. 6. c. 34.
Consolidation of Enactments (Procedure) Act, 1949	12, 13 & 14 Geo. 6. c. 33.
Marriage Act, 1949...	12, 13 & 14 Geo. 6. c. 76.
Adoption Act, 1950	14 Geo. 6. c. 26.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.

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