



SEXUAL (AND RELATED) OFFENCES

s.1 RAPE

- (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.
 - (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- Sexual Offences Act 2003*

s.2 ASSAULT BY PENETRATION

- (1) 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.
 - (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- Sexual Offences Act 2003*

s.74 CONSENT

a person consents if he agrees by choice, and has the freedom and capacity to make that choice.

Sexual Offences Act 2003

s.3 SEXUAL ASSAULT

- (1) 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.
 - (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- Sexual Offences Act 2003*

STALKING

Section 2A(3) of the Protection from Harassment Act 1997 sets out examples of 'acts or omissions which, in particular circumstances, are ones associated with stalking. These include: physical following; contacting, or attempting to contact a person by any means (this may be through third parties); or, other intrusions into the victim's privacy such as loitering in a particular place or watching or spying on a person. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly so as to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.' CPS (2014)

SEXUAL HARASSMENT

s.2A(3) of the Protection from Harassment Act 1997 sets out examples of acts or omissions associated with stalking. These include: physical following, contacting or, other intrusions into the victim's privacy such as spying on a person. Such behaviour may leave victims feeling intimidated. On the face of it, the conduct might appear innocent, but when carried out repeatedly it may then cause significant alarm, harassment or distress. Revised from CPS (2014).

S. 33 DISCLOSING PRIVATE SEXUAL PHOTOGRAPHS AND FILMS WITH INTENT TO CAUSE DISTRESS

(1) It is an offence for a person to disclose a private sexual photograph or film if the disclosure is made— (a) without the consent of an individual who appears in the photograph or film, and (b) with the intention of causing that individual distress.

Criminal Justice and Courts Act 2015