

# SEXUAL OFFENCES ACT 2003 SENTENCING GUIDELINES COUNCIL DEFINITIVE GUIDELINE

## CHANGES

I hope you have received the recently published guideline which becomes effective for all affected cases sentenced on or after 14 May 2007.

Although it is perhaps inevitable in a document that runs to almost 140 pages and covers over 50 offences, a number of corrections need to be made which have evaded our checking system.

The copy of the guideline on our website will be kept up to date but I would be grateful if you would make the necessary amendments to your own copy.

If you discover anything else that you consider may benefit from being included on this list, please contact us by letter, e-mail or phone/fax – all details on our website – [www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk)

### Pages 121/122

Two sets of tables appear on these pages for offences of child prostitution and pornography – apart from the starting points and ranges, they are identical. As in the consultation guideline, the table on page 121 should have an additional line showing that it applies to **Penetrative activity** whereas the table on page 122 applies to **Non-penetrative activity**

### Page 129

The table relates to the offence of keeping a brothel used for prostitution inserted into the Sexual Offences Act 1956 (as s.33A) by section 55 of the 2003 Act. Although the similar offence under section 33 of the 1956 Act is specified for the purpose of the dangerous offender provisions, the offence under section 33A is not – **please remove the 2<sup>nd</sup> line on this page which states that this is a “serious offence”**.

### Pages 135-138

These pages contain offences for which a lower maximum penalty has been provided when committed by an offender aged 17 or under.

They refer to offences as committed under section 9-12 of the 2003 Act. Whilst the activity has to have been that which would have been an offence under those sections if committed by a person aged 18 or over, the offence is committed under section 13 where the offender is younger than 18. This is significant in that it causes the offences in the tables to be “specified” offences but not “serious” offences (see section 224(2) Criminal Justice Act 2003).

**Please replace “serious” by “specified” in the third line of each page.**

**At the end of each description of the offence which starts on the 4<sup>th</sup> line on each page, after the section number add, within the brackets, “and section 13”.**

**Pages 135 - 139**

At the foot of each page, attention is drawn to the notification requirements arising from the provisions of section 80 of (and schedule 3 to) the 2003 Act. By virtue of schedule 3, para. 22, the notification requirement applies to a person convicted under sections 13 25 or 26 only if sentenced “to imprisonment for a term of at least 12 months”.

**Please add to the final line on each page after “requirements” “when sentenced to imprisonment for a term of at least 12 months”.**

Kevin McCormac  
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10 May 2007