



# Adults: Safer from Sexual Crime

The Sexual Offences Act 2003



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The Sexual Offences Act 2003 provides a clear, modern framework to protect the public from sexual crimes. This leaflet sets out the main laws designed to protect adults.

Further leaflets in this series cover the laws designed to protect children, and the laws which affect those who work with children or with people with learning disabilities or mental disorders. These leaflets are:

*Children and Families: Safer from Sexual Crime*

*Working within the Sexual Offences Act 2003*

For further information, visit:

[www.homeoffice.gov.uk/crime/sexualoffences/legislation/act.html](http://www.homeoffice.gov.uk/crime/sexualoffences/legislation/act.html)

## Sexual offences: putting victims first

Rape and other sexual offences are dreadful crimes which deeply affect the lives of victims and their families.

The law needs to recognise the damage done by sexual offences, while protecting the right of adults to a private sex life.

The Sexual Offences Act is the first major overhaul of sexual offences legislation for more than a century, setting out a strong, clear and modern approach to this sensitive area of the law.

The new laws put victims first. They are designed to protect everyone – adults, as well as children and vulnerable people – from abuse and exploitation. They reflect the reality of life today and set out clear boundaries about what is, and is not, acceptable. They are non-discriminatory, so that men, women and people of all sexual orientations are equally protected. They set down strong penalties for sexual crime, and give the courts and police the clarity they need to do their job and help protect the public from abusers.

On top of the legislation itself, support for victims of sexual crime is being improved all the time, with better methods of police investigation and increased support services for victims and witnesses.

If you are a victim of sexual crime, the law is now better designed to support you.

## The new law on consent

“A person consents if s/he agrees by choice and has the freedom and capacity to make that choice.”

**Sexual Offences Act, section 74.**

When it comes to sex between adults, consent is paramount. Put simply, rape and other sexual assaults are sexual acts carried out without the consent of one of the people involved.

Because consent is central to this area of law, the Sexual Offences Act sets down – for the first time – a clear definition and new responsibilities surrounding consent.

Now, if a defendant in court wants to claim they believed the other person was consenting, they will have to show they have reasonable grounds for that belief.

Until now, if a defendant could prove they honestly believed consent had been given – however unreasonable their belief was – they would have been acquitted. The Act recognises the injustice in this approach.

If someone is threatened with immediate violence, was drugged by their attacker so as to be incapable of making a decision about consent, or was unconscious or asleep, it is extremely unlikely that they have the freedom to consent. Again, the Act clearly sets down circumstances like these where the courts will start from the presumption that the victim did not consent.

## Consent in practice

“I said no and he tried to talk me into it. Then he started shouting and getting angry. In the end I went along with it. I was too scared to say anything.”

“I was in a pub. This guy asked me to have sex. I didn’t respond, and escaped to the loo. He followed me in, pushed me into a cubicle, and raped me.”

“I told him I was too tired to have sex. I went to sleep, and woke up to find him starting to have sex with me. He refused to stop.”

**None of these people gave their consent.**

Giving consent is active, not passive. It means freely choosing to say ‘yes’. It is up to everyone to make sure that their partner agrees to sexual activity.

# New laws to protect you

A great deal of consultation took place when the Sexual Offences Act was being drafted. The views of many organisations working to support victims of sexual crime, as well as victims themselves, were taken into account in shaping the new laws.

## Rape

Rape is now classified as penetration by the penis of somebody's vagina, anus or mouth, without their consent. Rape can be committed against men or women, but since it involves penile penetration it is only committed by men.

## Assault by penetration

Under this new law, it is an offence to penetrate the anus or vagina of someone else with any part of the body or with an object, if the penetration is sexual and if the person does not consent.

## Sexual assault

This law covers any kind of intentional sexual touching of somebody else without their consent. It includes touching any part of their body, clothed or unclothed, either with your body or with an object.

## Causing a person to engage in a sexual activity without consent

This law covers any kind of sexual activity without consent. For instance it would apply to a woman who forces a man to penetrate her, or an abuser who makes their victim engage in masturbation.

## Administering a substance with intent

This new law makes it a separate offence to give someone any substance – for instance spiking their drink – without their consent, and with the intention of stupefying them so that sexual activity can take place. In this instance, sexual activity could include stripping someone or taking pornographic photos of them. Someone can be charged with this offence on top of any separate charge for rape or sexual assault. They can also be charged when the intended sexual activity did not take place, for instance when someone sees what is going on and intervenes to stop it.

## Other 'intent' offences

Two new laws – 'committing an offence with intent' and 'trespass with intent' – cover situations where abusers commit one offence (such as violence, trespass, or detaining someone against their will) with the intention of then committing a sexual offence.

## Other offences

Other offences under the Act include exposure (or 'flashing'), voyeurism, sex in public toilets, and sex with animals or with corpses. Voyeurism is a new offence which applies to watching people without their consent when they are involved in private acts. It includes setting up, viewing or recording people through electronic equipment such as webcams or cameras.

There are also important sections of the Act which deal with prostitution and trafficking, and with sexual offences against people with mental disorders, including learning disabilities. For further information, visit [www.homeoffice.gov.uk/crime/sexualoffences/legislation/act.html](http://www.homeoffice.gov.uk/crime/sexualoffences/legislation/act.html).

## Staying safe

Rape and sexual assault can happen to women and men of all ages and backgrounds. If an assault does happen, it can be difficult to speak out and ask for help – and even more difficult to report the crime.

But help is out there, and the police and criminal justice system are doing all they can to improve how they deal with and investigate sexual crime.

Less than one per cent of the crimes recorded by police each year are sexual offences – so it's important to keep the risk of sexual crime in perspective and not let fear get in the way of leading a normal life. But there are also some things you can do to be aware of the risks, and steps you can take to protect yourself.

### Protect yourself

- The majority of rapes and sexual assaults are carried out by someone who is known to the victim, such as a partner, former partner or friend. In situations with someone you know, pay attention to how you are being treated. Does your partner listen to and respect your feelings? Communicate your limits clearly. If you start to feel uncomfortable, tell your partner, and be as direct as possible.
- At home, take sensible security precautions. Fit a security chain. Don't open the door to strangers.
- When you are out, carry a personal safety alarm ('shriek' alarm). Walk with confidence and stay in well-lit areas.
- Consider very carefully whether you should leave a pub, club or party with someone you have just met.
- Never accept a drink from anyone you do not completely trust. Don't share or exchange drinks, and don't leave your drink unattended. Men need to be careful too: drug-assisted sexual assault doesn't only happen to women.
- When travelling by mini-cab, try to pre-book a car through a licensed company. Get the car details before they arrive and ensure the driver knows what name it was booked under. Sit in the back, and carry a mobile phone or personal alarm.

Visit [www.met.police.uk/sapphire](http://www.met.police.uk/sapphire) for further tips on safety.

### Reporting a crime

Only you can decide if you want to report a sexual assault or any other kind of sexual crime to the police. If you do, they will make sure you get as much support as possible, as well as doing their utmost to investigate the crime.

You can ask for officers to visit you at home if you prefer, or if you go to the police you can take a friend or family member with you. Most police forces have specially trained officers to deal with cases of sexual assault and rape, whose main concern is your well-being. The police will be as supportive to men who experience a sexual crime as they are to women.

In some areas, you can visit a Sexual Assault Referral Centre – a 'one stop shop' for a range of services including medical and police services, with specially trained staff. More of these centres are now being set up across the UK – visit [www.met.police.uk/sapphire](http://www.met.police.uk/sapphire) for a full list.

### Getting help

Whether or not you feel able to go to the police, it is important to know that a sexual assault is not your fault, that it can affect how you feel for a long time, and that you don't have to cope with it on your own. Telephone helplines, local support groups, counsellors, and your own GP, can all offer confidential advice and support, and a safe place where you can talk about what has happened.

## Help and support

Local **Rape Crisis Centres** offer counselling, advice and support in local groups and by telephone around the UK. For your nearest centre, see your telephone directory or Yellow Pages.

### CJS Online

Website with information about the criminal justice system, including an interactive 'virtual walkthrough' for victims of crime, to explore what happens when you proceed with a criminal case.

[www.cjsonline.gov.uk](http://www.cjsonline.gov.uk)

### National Association for People Abused in Childhood

Support by post, telephone and in local groups for adults who were abused as children.

**Helpline 0800 085 33 30**

[www.napac.org.uk](http://www.napac.org.uk)

### Rape and Sexual Abuse Support Centre

Support by telephone and post, and a counselling service, for women and girls who have been raped or sexually abused. Also provide a referral service for male survivors of abuse.

**Helpline 020 8683 3300 (minicom: 0208 239 1124)**

[www.rasasc.org.uk](http://www.rasasc.org.uk)

### Roofie Foundation

Support by telephone for people affected by drug-related rape and sexual abuse.

Website contains an active message board.

**Helpline 0800 783 2980**

[www.roofie.com](http://www.roofie.com)

### Sapphire

A project across the Metropolitan Police area to improve rape investigation and victim care.

[www.met.police.uk/sapphire](http://www.met.police.uk/sapphire)

### Survivors UK

Support, counselling and local groups for male survivors of any kind of sexual violence or rape, plus training for professionals.

**Helpline 0845 1221201**

[www.survivorsuk.org.uk](http://www.survivorsuk.org.uk)

### The Survivors Trust

An umbrella group which provides links to over 70 member organisations working with victims of sexual crime (including childhood abuse).

**Helpline 01788 551150**

### Victim Support

Free, confidential support to help anyone deal with an experience of crime, whether or not they go to the police.

**Victim Supportline 0845 30 30 900**

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)