

# FPA Factsheet

# Law on Sex Overview

Last updated June 2021



the sexual health company

This factsheet does not constitute legal advice.

## Introduction

The Law and Sex factsheet is widely used in the field of sexual and reproductive health. It's an excellent and timely resource providing a detailed outline on the key points of UK law relating to sexual behaviour.

It provides all the up-to-date legislation and a helpful glossary of frequently used legal terms, enabling those not in the legal field to navigate a complex subject.

In the factsheet you will find a range of information from the legal age of consent across the nations in the UK: England, Wales, Scotland and Northern Ireland to the law on contraception for those under 16. The legal definition of rape and what constitutes sexual assault; as well as exposure and upskirting. Clear explanations on grooming, including inappropriate online communication with children and child abuse. You will learn about pornography law, including revenge pornography.

Further reading and a list of references is made available for your use.

This Overview will provide a summary of the topics covered in detail in the Factsheet which is an 8pp A4 report that can be downloaded digitally at £2.99.

## Overview

### Age of consent

The age of consent to any form of sexual activity is 16 years old. The age of consent is the same regardless of whether a person is engaging in sexual activity with someone of the same or a different gender and whatever their sexual orientation.

It is an offence for a person aged 18 or over to have any sexual activity with a person under the age of 18 if the older person holds a position of trust (for example a teacher or social worker) as such sexual activity is an abuse of the position of trust.

### Rape

In each UK country, a person would commit rape if they intentionally penetrated with their penis, the vagina, mouth or anus of another person without that person's consent, or if the person is under 13.

### Contraception and under 16s

Health professionals in the UK may provide contraceptive advice and treatment to young people under 16 if, in their clinical judgement, they believe it is in the young person's best medical interests and the young person is able to give what is considered to be informed consent.

### Sexual assault by penetration

It is an offence for a person to penetrate intentionally, with a part of their body or anything else, the vagina or anus of another person without that person's consent. The purpose also has to be sexual.

### Sexual assault and indecent assault

Varies across the four nations main premise it is an offence to touch someone else with sexual intent if the other person has not consented to such touching.

# FPA Factsheet

# Law on Sex Overview

Last updated June 2021



the sexual health company

## **Exposure**

It is an offence to expose your genitals if it is intended someone else will see them and this will cause alarm or distress.

## **Upskirting**

The term 'upskirting' typically describes taking a sexually intrusive picture under a person's clothing (usually a skirt or dress) without their consent.

## **Grooming and sexual communication with children**

Across the four nations, with some variation, it is an offence for someone aged 18 or over intentionally to communicate sexually with a child unless they reasonably believe the person to be 16 or over.

## **Pornography**

An image is pornographic if it can "reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal".

An extreme image is defined in the Act as one which is "grossly offensive, disgusting or otherwise of an obscene character" and if it portrays in an explicit and realistic way any of the following, e.g., sexual activity with a corpse.

## **Revenge pornography**

The term 'revenge porn' typically refers to sharing private sexual images of someone without their consent, with the intention of causing them distress. It is covered by different legal acts across, England, Scotland, Wales and Northern Ireland.

## **Images of child abuse**

The Protection of Children Act 1978 with the Criminal Justice Act 1988 make it an offence for anyone to take, allow to be taken, possess, show, distribute or publish any indecent image of a child under 18.

*Definitions of some common terms, such as consent.*

*Relevant legislation and up to date legislation.*

*References.*

*Further reading.*

**The 8-page detailed factsheet is useful for students as well as professionals in the field of sexual health and full report can be downloaded for £2.99.**