



**Isle of Man**

*Ellan Vannin*

**AT 9 of 1967**

**SEXUAL OFFENCES ACT 1967**





**Isle of Man**

*Ellan Vannin*

## SEXUAL OFFENCES ACT 1967

### Index

Section	Page
<b>PART I</b>	<b>7</b>
<hr/>	
<i>Offences, and the Prosecution and Punishment of Offences. Intercourse by force, intimidation, etc.</i>	
<hr/>	
1 Rape .....	7
2 Procurement of a woman by threats .....	7
3 Procurement of woman by false pretences .....	8
4 Administering drugs to obtain or facilitate intercourse .....	8
<i>Intercourse with girls under sixteen.</i>	
<hr/>	
5 Intercourse with girl under thirteen .....	8
6 Intercourse with girl under sixteen .....	8
<i>Intercourse with defectives</i>	
<hr/>	
7 Intercourse with defective .....	9
8 Procurement of defective .....	9
<i>Incest</i>	
<hr/>	
9 Incest by a man .....	9
10 Incest by a woman .....	9
<i>Unnatural offences</i>	
<hr/>	
11 Buggery .....	10
12 Indecency between men .....	10
<i>Assaults</i>	
<hr/>	
13 Indecent assault on a woman .....	10
14 Indecent assault on a man .....	11
15 Assault with intent to commit buggery .....	11
<i>Abduction</i>	
<hr/>	
16 Abduction of woman by force or for the sake of her property .....	12
17 [Repealed] .....	12
18 Abduction of unmarried girl under eighteen from parent or guardian .....	12
19 Abduction of unmarried girl under sixteen from parent or guardian .....	12
20 Abduction of defective from parent or guardian .....	13

	<b><i>Prostitution, procuration etc.</i></b>	<b>13</b>
21	Causing prostitution of women .....	13
22	Procuration of girl under twenty-one.....	13
23	Detention of woman in brothel or other premises .....	14
24	Permitting girl under thirteen to use premises for intercourse .....	14
25	Permitting girl under sixteen to use premises for intercourse.....	14
26	Permitting defective to use premises for intercourse.....	14
27	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen.....	15
28	Causing or encouraging prostitution of defective.....	16
29	Men living on earnings of prostitution .....	16
30	Woman exercising control over prostitute .....	16
	<b><i>Solicitation</i></b>	<b>16</b>
31	Solicitation by men.....	16
32	Loitering or soliciting for purposes of prostitution.....	16
	<b><i>Suppression of brothels</i></b>	<b>17</b>
33	Keeping a brothel .....	17
34	Landlord letting premises for use as a brothel.....	17
35	Tenant permitting premises to be used as brothel .....	17
36	Tenant permitting premises to be used for prostitution.....	18
	<b><i>Powers and procedure for dealing with offenders</i></b>	<b>18</b>
37	Prosecution and punishment of offences.....	18
38	Powers of court in case of incest with girl under eighteen.....	19
39	Evidence of wife or husband of accused.....	19
	<b><i>Powers of arrest and search</i></b>	<b>20</b>
40	Power of arrest in case of procuration or prostitution of women .....	20
41	Power of arrest in cases of trading in prostitution, or of soliciting by men.....	20
42	Power of search in case of men living on earnings of prostitution .....	20
43	Power of arrest in cases of loitering etc. for purposes of prostitution .....	20
44	Power to search for and remove woman detained for immoral purposes .....	21
	<b><i>Right for women to apply to court when cautioned for loitering or soliciting</i></b>	<b>21</b>
45	Application to court by woman cautioned for loitering or soliciting .....	21
	<b><i>Interpretation</i></b>	<b>22</b>
46	Meaning of “sexual intercourse”.....	22
47	Meaning of “defective” .....	22
48	Use of words “man”, “boy”, “woman”, and “girl” .....	22
49	Proof of exceptions.....	23
	<b>PART II – SUPPLEMENTARY</b>	<b>23</b>
	<b><i>Consequential amendments</i></b>	<b>23</b>
50	Amendments of Acts not consolidated .....	23
51	[Repealed].....	23
52	[Repealed].....	23

---

53	Construction of references to enactments .....	23
54	Short title .....	23
55	Commencement .....	23
<b>FIRST SCHEDULE</b>		<b>25</b>
<hr/>		
RIGHTS OF LANDLORD WHERE TENANT CONVICTED OF PERMITTING USE OF PREMISES AS BROTHEL		25
<b>SECOND SCHEDULE</b>		<b>26</b>
<hr/>		
TABLE OF OFFENCES, WITH MODE OF PROSECUTION, PUNISHMENTS, ETC		26
<b>THIRD SCHEDULE</b>		<b>35</b>
<hr/>		
CONSEQUENTIAL AMENDMENTS OF ENACTMENTS NOT CONSOLIDATED		35
<b>FOURTH SCHEDULE</b>		<b>36</b>
<b>ENDNOTES</b>		<b>37</b>
<hr/>		
TABLE OF ENDNOTE REFERENCES		37



**Isle of Man***Ellan Vannin*

## SEXUAL OFFENCES ACT 1967

*Received Royal Assent: 23 August 1967*

*Announced to Tynwald: 17 October 1967*

**AN ACT** to consolidate with corrections and improvements the statute law relating to sexual crimes, to the abduction, procurement and prostitution of women and to kindred offences.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald 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 Rape**

1956/1

- (1) It is felony for a man to rape a woman.
- (2) A man who induces a married woman to have sexual intercourse with him by impersonating her husband commits rape.

#### **2 Procurement of a woman by threats**

1956/2

- (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.
- (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.

**3 Procurement of woman by false pretences**

1956/3

- (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.

**4 Administering drugs to obtain or facilitate intercourse**

1956/4

- (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 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.*

**5 Intercourse with girl under thirteen**

1956/5

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

**6 Intercourse with girl under sixteen**

1956/6

- (1) It is an offence, subject to the exceptions mentioned in this section, for a man to have unlawful sexual intercourse with a girl under the age of sixteen.
- (2) Where a marriage is invalid under section 2 of the *Marriage Act 1984* (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.<sup>1</sup>
- (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



seven of the *Criminal Code Amendment Act 1886* (the provision replaced by this section) and a person shall, for the purposes of this subsection, be deemed to have been charged with a like offence if he has voluntarily admitted in writing to the Attorney General that he has committed such an offence.<sup>2</sup>

### *Intercourse with defectives*

#### **7 Intercourse with defective**

1956/7 (amended)

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

#### **8 Procurement of defective**

1956/9

- (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*

#### **9 Incest by a man**

1956/10

- (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 purpose of that subsection and expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

#### **10 Incest by a woman**

1956/11

- (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 grand-father, 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 purpose 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*

**11 Buggery**

1956/12

- (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.
- (3) For the purpose 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.

**12 Indecency between men**

1956/13

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*

**13 Indecent assault on a woman**

1956/14

- (1) It is an offence, subject to the exception mentioned in subsection (3) of the 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 except where, if —
- (a) the assault had consisted of unlawful sexual intercourse; and
- (b) the person had been charged with an offence under section 6 of this Act,

He would not have been guilty of an offence under that section by virtue of subsection (2) or (3) of that section.<sup>3</sup>

- (3) Where a marriage is invalid under section twenty-seven of the *Marriage Act, 1951*, or section three of the *Marriage Act, 1933* (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 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.

#### **14 Indecent assault on a man**

1956/15

- (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 purpose 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 purpose 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 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.

#### **15 Assault with intent to commit buggery**

1956/16

- (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*

#### **16 Abduction of woman by force or for the sake of her property**

1956/17

- (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.

#### **17 [Repealed]<sup>4</sup>**

#### **18 Abduction of unmarried girl under eighteen from parent or guardian**

1956/19

- (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 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.

#### **19 Abduction of unmarried girl under sixteen from parent or guardian**

1956/20

- (1) It is an offence for a person acting without lawful authority to excuse or 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.

**20 Abduction of defective from parent or guardian**

1956/21

- (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.*

**21 Causing prostitution of women**

1956/22

- (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 Isle of Man, 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 Isle of Man intending her to become an inmate of or frequent a brothel in any part of the world for the purpose of prostitution.
- (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.

**22 Procuration of girl under twenty-one**

1956/23

- (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.

**23 Detention of woman in brothel or other premises**

1956/24

- (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 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.

**24 Permitting girl under thirteen to use premises for intercourse**

1956/25

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.

**25 Permitting girl under sixteen to use premises for intercourse**

1956/26

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 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.

**26 Permitting defective to use premises for intercourse**

1956/27

- (1) It is an offence, subject to 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 defective.

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

1956/28

- (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; or
  - (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 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, 1962* or any repealed enactment relating to adoption, 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 her putative father;
  - (b) “legal guardian” means, in relation to a 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.
- (5) If, on a charge of 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.

**28 Causing or encouraging prostitution of defective**

1956/29

- (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 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.

**29 Men living on earnings of prostitution**

1956/30

- (1) It is an offence for a man knowingly to live wholly or in part on the earnings of prostitution.
- (2) For the purpose of this section a man who lives with or is habitually in the company of a prostitute, or who exercises control, direction of 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.

**30 Woman exercising control over prostitute**

1956/31

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***31 Solicitation by men**

1956/32

- (1) It is an offence for a man persistently to solicit or importune any man or woman in a public place for immoral purposes.
- (2) For the avoidance of doubt it is hereby declared that in this section the expression "immoral purposes" includes the purpose that a woman shall have unlawful sexual intercourse with men or with a particular man.

**32 Loitering or soliciting for purposes of prostitution**

1959/1

- (1) It shall be an offence for a common prostitute to loiter or solicit in a street or public place for the purpose of prostitution.



- (2) For the purposes of this section “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and the doorways and entrances of premises abutting on a street (as hereinbefore defined), and any ground adjoining and open to a street shall be treated as forming part of the street.

*Suppression of brothels*

**33 Keeping a brothel**

1956/33

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

**34 Landlord letting premises for use as a brothel**

1956/34

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.

**35 Tenant permitting premises to be used as brothel**

1956/35

- (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.
- (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 nineteen of the *Criminal Code Amendment Act, 1886*) 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 convicted under the said section nineteen before the commencement of the 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 leases 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 the lessor or landlord refer to his rights under the First Schedule to this Act.

### **36 Tenant permitting premises to be used for prostitution**

1956/36

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*

### **37 Prosecution and punishment of offences**

1956/37

- (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 these offences.
- (2) The second column in the Schedule shows, for any offence, if it may be prosecuted on indictment or summarily, or either, 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 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 thirty four or thirty five of the *Petty Sessions and Summary Jurisdiction Act, 1927* (as amended) (which relate to the summary trial of young offenders for indictable offences); or
  - (b) of any enactment or rule of law restricting a court's power to imprison; or
  - (c) 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
  - (d) 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.

### **38 Powers of court in case of incest with girl under eighteen<sup>5</sup>**

1956/38

- (1) On a man's conviction of an offence under section nine of this Act against a girl under the age of eighteen, or of attempting to commit such an offence, the court may by order divest him of all authority over her.<sup>6</sup>
- (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 Common Law Division (Summary Jurisdiction).

### **39 Evidence of wife or husband of accused**

1956/39

- (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 eleven (buggery), section fourteen (indecent assault on a man) and section fifteen (assault with intent to commit buggery).
- (3) This section shall not affect section one of the *Criminal Evidence Act, 1946*, 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*

**40 Power of arrest in case of procuration or prostitution of women**

1956/40

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 sections twenty-one or twenty-two of this Act and has reasonable cause so to suspect.

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

1956/41

Anyone may arrest without a warrant a person found committing an offence under sections twenty-nine, thirty or thirty-one of this Act.

**42 Power of search in case of men living on earnings of prostitution**

1956/42

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.

**43 Power of arrest in cases of loitering etc. for purposes of prostitution**

1959/1(3)

- (1) A constable may arrest without a warrant any woman he finds in a street or public place if the constable suspects her to be committing an offence under section thirty-two of this Act, and has reasonable cause so to suspect.

- (2) In this section “street” shall be construed in accordance with subsection (2) of section thirty-two of this Act.

**44 Power to search for and remove woman detained for immoral purposes**  
1956/43

- (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 the 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 woman 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 thirty-five of the *Children Young Person Act 1966*.

*Right for women to apply to court when cautioned for loitering or soliciting*

**45 Application to court by woman cautioned for loitering or soliciting**  
1959/2

- (1) Where a woman is cautioned by a constable, in respect of her conduct in the street or public place, that if she persists in such conduct it may result in her being charged with an offence under section thirty-two of this Act, she may not later than fourteen clear days afterwards apply to a court of

summary jurisdiction for an order directing that there is to be no entry made in respect of that caution in any record maintained by the police of those so cautioned and that any such entry already made is to be expunged; and the court shall make the order unless satisfied that on the occasion she was loitering or soliciting in a street or public place for the purpose of prostitution.

- (2) An application under this section shall be by way of complaint against the Chief Constable or against such officer of police as he may designate for the purpose in relation to that area or any part of it; and subject to any provision to the contrary in rules made under section sixteen of the *Summary Jurisdiction Act 1956*, on the hearing of any such complaint the procedure shall be the same as if it were a complaint by the police officer against the woman, except that this shall not affect the operation of paragraph (2) of section thirteen and of section twenty-eight of the *Petty Sessions and Summary Jurisdiction Act, 1927* (which relate to the non-attendance of the parties to a complaint).
- (3) Unless the woman desires that the proceedings shall be conducted in public, an application under this section shall be heard and determined in camera.
- (4) In this section references to a street shall be construed in accordance with subsection (2) of section thirty-two of this Act.

### *Interpretation*

#### **46 Meaning of “sexual intercourse”**

1956/44

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.

#### **47 Meaning of “defective”**

1956/45 (amended)

In this Act, “defective” means a person suffering from severe subnormality, that is to say a state of arrested or incomplete development of mind which includes subnormality of intelligence and is of such a nature or degree that the patient is incapable of living an independent life or of guarding himself against serious exploitation, or will be so incapable when of an age to do so.

#### **48 Use of words “man”, “boy”, “woman”, and “girl”**

1956/46

The use of 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”.

#### **49 Proof of exceptions**

1956/47

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*

#### **50 Amendments of Acts not consolidated**

1956/48

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

#### **51 [Repealed]<sup>7</sup>**

#### **52 [Repealed]<sup>8</sup>**

#### **53 Construction of references to enactments**

1956/53

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.

#### **54 Short title**

This Act may be cited as the Sexual Offences Act, 1967.

#### **55 Commencement**

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.





**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 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.

## SECOND SCHEDULE

[Section 37]

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

## PART I

## FELONIES AND ATTEMPTS AT FELONIES

Offence	Mode of prosecution	Punishment	Provision as to alternative verdicts etc.
1.(a) Rape (section one)	On indictment	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 under sixteen (section six); or (vi) of intercourse with a defective (section seven); or (vii) of incest (section nine) ; or (viii) of indecent assault on a woman (section thirteen).
(b) An attempt to commit this offence.	On indictment	Seven years	
2. (a) Intercourse with a girl under thirteen (section five).	On indictment	Life	The jury may find the accused guilty of any of the offences mentioned in paragraphs (i), (ii), (iii), (v), (vi) and (viii) of the foregoing entry in this column.
(b) An attempt to commit this offence.	On indictment	Seven years	
3. (a) Buggery (section eleven).	On indictment	Life	
(b) An attempt to commit this	On indictment	Ten years	



offence.			
4. Abduction of woman by force or for the sake of her property (section sixteen).	On indictment	Fourteen years	
5. [Repealed] <sup>9</sup>			
6. Permitting girl under thirteen to use premises for intercourse (section twenty-four).	On indictment	Life	The jury may find the accused guilty of an offence under section three of the <i>Children and Young Persons Act, 1966</i> .

**PART II**

## OFFENCES OTHER THAN FELONIES AND ATTEMPTS AT FELONIES

<b>Offence</b>	<b>Mode of prosecution</b>	<b>Punishment</b>	<b>Provisions as to alternative verdicts, etc</b>
7. (a) Procurement of woman by threats (section two).	On indictment	Two years	
(b) An attempt to commit this offence.	On indictment	Two years	
8. Procurement of woman by false pretences (section three).	On indictment	Two years	
9. Administering drugs to obtain or facilitate intercourse (section four).	On indictment	Two years	
10. (a) Intercourse with girl under sixteen (section six).	On indictment; 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; a prosecution may not be commenced more than twelve months after the offence charged.	Two years	
11. (a) Intercourse with defective (section seven).	On indictment	Two years	
(b) An attempt to commit this offence.	On indictment	Two years	
12. (a) Procurement of defective (section eight)	On indictment	Five years	
(b) An attempt to commit this offence.	On indictment	Two years	
13. (a) Incest by a man (section nine).	On indictment; a prosecution may not be commenced	If with a girl under thirteen, and so charged in	The jury may find the accused guilty – (i) of intercourse with a girl under thirteen

	without the sanction of the Attorney General (subject however to sections eleven and thirty-five of the <i>Children and Young Persons Act 1966</i> ).	the indictment, life; otherwise, seven years.	(section five); or (ii) of intercourse with a girl under sixteen (section six); or (iii) of intercourse with a defective (section seven).
(b) An attempt to commit this offence.	On indictment; a prosecution may not be commenced without the sanction of the Attorney General (subject however to sections eleven and thirty-five of the <i>Children and Young Persons Act 1966</i> ).	If with a girl under thirteen who is stated to have been so in the indictment, seven years; otherwise two years.	
14. (a) Incest by a woman (section ten)	On indictment; a prosecution may not be commenced without the sanction of the Attorney General (subject however to sections eleven and thirty-five of the <i>Children and Young Persons Act 1966</i> ).	Seven years	
(b) An attempt to commit this offence	On indictment; a prosecution may not be commenced without the	Two years	

	sanction of the Attorney General (subject however to sections eleven and thirty-five of the <i>Children and Young Persons Act, 1966</i> ).		
15. (a) Indecency between men (section twelve).	On indictment	Two years	
(b) An attempt to procure the commission by a man of any gross indecency with another man.	On indictment	Two years	
16. Indecent assault on a woman (section thirteen).	(i) On indictment	If on a girl under thirteen who is stated to have been so in the indictment, five years; otherwise two years.	
	(ii) Where section thirty-six of the <i>Petty Sessions and Summary Jurisdiction Act, 1927</i> , as amended, applies, summarily under that section.	As provided by that section (that is to say, six months, or £400, or both). <sup>10</sup>	
17. Indecent assault on a man (section fourteen).	(i) On indictment.	Ten years	
	(ii) Where section thirty-six of the <i>Petty Sessions and Summary Jurisdiction Act,</i>	As provided by that section (that is to say, six months, or £400, or	

	1927, as amended, applies, summarily under that section.	both). <sup>11</sup>	
18. Assault with intent to commit buggery (section fifteen).	On indictment	Ten years	
19. Abduction of girl under eighteen from parent or guardian (section eighteen).	On indictment	Two years	
20. Abduction of girl under sixteen from parent or guardian (section nineteen)	On indictment	Two years	
21. Abduction of a defective from parent or guardian (section twenty)	On indictment	Two years	
22. (a) Causing prostitution of a woman (section twenty-one)	On indictment	Two years	
(b) An attempt to commit this offence.	On indictment	Two years	
23. (a) Procurement of girl under twenty-one (section twenty-two)	On indictment	Two years	
(b) An attempt to commit this offence.	On indictment	Two years	
24. Detention of woman in brothel (section twenty-three).	On indictment	Two years	
25. Permitting girl under sixteen to use premises for intercourse (section twenty-five).	On indictment	Two years	The jury may find the accused guilty of an offence under section three of the <i>Children and Young Persons Act, 1966</i> .
26. Permitting defective to use premises for intercourse (section twenty-six).	On indictment	Five years	
27. Causing or encouraging prostitution etc. of girl under sixteen (section twenty-seven).	On indictment	Five years	
28. Causing or encouraging	On indictment	Five years	

prostitution of defective (section twenty-eight).			
29. Living on earnings of prostitution (section twenty-nine).	(i) On indictment (ii) Summarily	Seven years Six months	
30. Controlling a prostitute (section thirty).	(i) On indictment (ii) Summarily	Seven years Six months	
31. Solicitation by men (section thirty-one).	(i) On indictment (ii) Summarily	Two years Six months, or one hundred pounds, or both	
32. Loitering or soliciting for purposes of prostitution (section thirty-two).	Summarily	For an offence committed after more than one previous conviction, three months, or twenty-five pounds, or both; for an offence committed after only one previous conviction, twenty-five pounds; for a first conviction, ten pounds.	A conviction of an offence punishable under paragraph (2) of section eighteen of the <i>Criminal Code Amendment Act, 1886</i> , shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-two of this Act.
33. Keeping a brothel (section thirty-three).	Summarily	For an offence committed after a previous conviction, six months, or two hundred and	A conviction of an offence punishable under section thirty-four, thirty-five or thirty-six of this Act shall be taken into account as a previous conviction in the same way as a



		fifty pounds, or both; otherwise, three months, or one hundred pounds, or both.	conviction of an offence punishable under section thirty-three of this Act.
34. Letting premises for use as brothel (section thirty-four).	Summarily	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 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	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 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	For an offence committed after a	A conviction of an offence punishable under section thirty-three, thirty-four or

		previous conviction, six months, or two hundred and fifty pounds or both; otherwise three months, or one hundred pounds, or both.	thirty-five 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.
--	--	---	---

**THIRD SCHEDULE**

[Section 50]

**CONSEQUENTIAL AMENDMENTS OF ENACTMENTS NOT CONSOLIDATED**

[Amended the following Acts —

The Children and Young Persons Act, 1966

The Firearms Act, 1947

The Matrimonial Proceedings (Magistrates Courts) Act, 1962<sup>12</sup>]

**FOURTH SCHEDULE<sup>13</sup>**



## ENDNOTES

### Table of Endnote References

- 
- <sup>1</sup> Subs (2) amended by Marriage Act 1984 Sch 4.
  - <sup>2</sup> Subs (3) amended by Sexual Offences (Modification) Act 1979 Sch 3.
  - <sup>3</sup> Subs (2) amended by Sexual Offences (Modification) Act 1979 Sch 3.
  - <sup>4</sup> S 17 repealed by Family law Reform (Isle of Man) Act 1971 s 10.
  - <sup>5</sup> S 38 heading amended by Family law Reform (Isle of Man) Act 1971 Sch 1.
  - <sup>6</sup> Subs (1) amended by Family law Reform (Isle of Man) Act 1971 Sch 1.
  - <sup>7</sup> S 51 repealed by Statute Law Revision Act 1983 Sch 2.
  - <sup>8</sup> S 52 repealed by Statute Law Revision Act 1983 Sch 2.
  - <sup>9</sup> Entry 5 repealed by Family law Reform (Isle of Man) Act 1971 s 10.
  - <sup>10</sup> Entry amended by Criminal Law Act 1981 Sch 7.
  - <sup>11</sup> Entry amended by Criminal Law Act 1981 Sch 7.
  - <sup>12</sup> Entry repealed by Domestic Proceedings Act 1983 Sch 3.
  - <sup>13</sup> Sch 4 repealed by Statute Law Revision Act 1983 Sch 2.