



## The Serious Crime Act: Aren't Our Press Contravening Child Grooming Laws?

The presence of porn/sex ads and 'glamour shots' in newspapers and non-age restricted magazines exposes children to sexualising imagery and promotes the sex industry to them. Under The Serious Crime Act, Section 15A, 67 and 68 it is an offence to do this *if it is done with the intent of grooming*. Although it can be argued that such publications do not have such intent, this briefing looks at how close our press are to breaching the law and in facilitating child grooming.

Below is Section 15A (67 & 68) an amendment to Section 15, Part 5 of 2003 Serious Crime Act

### Links:

Section 15A 67 & 68 : <http://www.legislation.gov.uk/ukpga/2015/9/part/5/enacted>

Section 15: <http://www.legislation.gov.uk/ukpga/2003/42/section/15> )

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### 67 Sexual communication with a child

After section 15 of the Sexual Offences Act 2003 insert—

#### “15A Sexual communication with a child

A person aged 18 or over (A) commits an offence if— (1)

for the **purpose of obtaining sexual gratification**, A **intentionally communicates** with another person (B), (a)

**the communication is sexual** or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and (b)

**B is under 16** and A **does not reasonably believe that B is 16** or over. (c)

For the purposes of this section, a communication is sexual if— (2)

any part of it relates to sexual activity, or (a)

a reasonable person would, in all the circumstances but **regardless of any person's purpose**, consider any part of the communication to be sexual; (b)

and in paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person's purpose, consider to be sexual. (3)

A person guilty of an offence under this section is liable— (3)

on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both; (a)

on conviction on indictment, to imprisonment for a term not exceeding 2 years.” (b)

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**Porn/sex ads and 'glamour shots' in newspapers or non-age restricted magazines ARE sexual AND are being communicated to a child. They breach the Act in spirit if not in letter. Their presence in such material is particularly concerning given that such publications are often used to groom children with by paedophiles. Their presence in a newspaper or unrestricted magazine simply normalises pornography to children and facilitates child grooming.**

## 68 Child sexual exploitation

(1)

The Sexual Offences Act 2003 is amended as set out in subsections (2) to (6).

(2)

For the heading before section 47 substitute “*Sexual exploitation of children*”.

(3)

In section 48 (headed “Causing or inciting child prostitution or pornography”)—

(a)

in the heading, for “**child prostitution or pornography**” substitute “**sexual exploitation of a child**”;

(b)

in subsection (1)(a), for “to become a prostitute, or to be involved in pornography,” substitute “to be sexually exploited”.

(4)

In section 49 (headed “Controlling a child prostitute or a child involved in pornography”)—

(a)

in the heading, for “**prostitute or a child involved in pornography**” substitute “**in relation to sexual exploitation**”;

(b)

in subsection (1)(a), for “prostitution or involvement in pornography” substitute “sexual exploitation”.

(5)

In section 50 (headed “Arranging or facilitating child prostitution or pornography”)—

(a)

in the heading, for “**child prostitution or pornography**” substitute “**sexual exploitation of a child**”;

(b)

in subsection (1)(a), for “prostitution or involvement in pornography” substitute “sexual exploitation”.

(6)

In section 51 (interpretation of sections 48 to 50)—

(a)

omit subsection (1);

(b)

for subsection (2) substitute—

“(2)

For the purposes of sections 48 to 50, a person (B) is sexually exploited if—

(a)

on at least one occasion and whether or not compelled to do so, B **offers** or provides **sexual services** to another person in return for payment or a promise of payment to B or a third person, or

(b)

an indecent image of B is recorded;

and “sexual exploitation” is to be interpreted accordingly.”

(7)

In section 1 of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution), in subsection (1), after “person” insert “aged 18 or over”.

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**Porn and sex ads ARE offering sexual services. Newspapers that carry such ads are therefore offering sexual services to children. This clearly contravenes the Act in spirit if not in letter.**