

IN THE KEYS

26th February 2008

FOR WRITTEN ANSWER (2)

The Hon Member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs -

What is the sentencing range for —

- (a) someone who is found guilty of sexually brutalising a child; and
 - (b) someone who is found guilty of a second and third similar offence?
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Mr Speaker,

There is no offence in law of "sexually brutalising a child". However, in respect of part (a) of the question, the Sexual Offences Act 1990 provides, inter alia, that —

- (i) for intercourse with a young person the offence lies in Section 4 —
 - (1) Any person who has sexual intercourse with a person under the age of 13 shall be guilty of an offence and liable on conviction on information to imprisonment for life.
 - (2) Any person who has sexual intercourse with a person under the age of 16 shall be guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 7 years.
- (ii) for indecent assault the offence lies in section 13 —
 - (1) Any person who makes an indecent assault on another person shall be guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 7 years.
 - (2) A person under the age of 16 cannot in law give any consent which would prevent an act being an assault for the purposes of this section.
- (iii) for inciting or procuring a young person with whom to commit an act of gross indecency the offence lies in section 14 —

Any person who —

 - (a) incites or procures a person under the age of 16 to commit an act of gross indecency with him or another person; or
 - (b) commits an act of gross indecency with or towards a person under that age,

shall be guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 7 years.
- (iv) the offence of rape has a possible sentence of imprisonment for life.

In respect of part (b) of the question, the sentencing range remains the same for the offences specified in (a). In respect of the actual sentence handed down by the courts in either first or subsequent offences, the Department is not able to comment as that is a matter entirely for the courts to determine.