

SEXUAL OFFENCES (COMMUNICATION WITH A CHILD) ORDINANCE, 2022

ARRANGEMENT OF SECTIONS

1. Short title
2. Sexual communication with a child
3. Application of Schedule 3 of the Sexual Offences Act, 2003
4. Regulations

Assented to in Her Majesty's name and on Her Majesty's behalf this 5th day of July 2022.

L.S.

Gregory Gibson
Acting Governor



ST HELENA
NO 4 OF 2022

Enacted 5 July 2022
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AN ORDINANCE

**TO PROHIBIT COMMUNICATION WITH A CHILD FOR SEXUAL GRATIFICATION;
AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St. Helena.

Short title

1. This Ordinance may be cited as the Sexual Offences (Communication with a child) Ordinance, 2022.

Sexual Communication with a child

- 2. (1)** A person aged 18 or over (A) commits an offence if—
- (a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B);
 - (b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual; and
 - (c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purpose of this section, a communication is sexual if—
(a) any part of it relates to sexual activity; or
(b) a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual,
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 who contravenes this section commits an offence.

Penalty: Imprisonment for a term of 2 years.

Application of Schedule 3 of the Sexual Offences Act, 2003

3. For the application of Schedule 3 of the Sexual Offences Act, 2003 pursuant to the Sexual Offences Act (Application) Order, 2004 the offence specified in section 2 is considered to be an offence under the Schedule.

Regulations

4. The Governor in Council may make regulations necessary or convenient for the purpose of this Ordinance.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

This Ordinance would prohibit a person from intentionally communicating with a child in a manner so as to obtain sexual gratification.