Changes to Legislation: as of 17 September 2026, this Act is up to date with all changes known to be in force.

Number 20 *of* 1993

CRIMINAL LAW (SEXUAL OFFENCES) ACT 1993

REVISED

Updated to 22 December 2022

This Revised Act is an administrative consolidation of the *Criminal Law (Sexual Offences) Act 1993*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including *Appointment of Special Adviser (Minister of State at the Department of Health) (No. 2) Order 2022* (S.I. No. 740 of 2022), made 13 December 2022, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 20 *of* 1993

CRIMINAL LAW (SEXUAL OFFENCES) ACT 1993

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Abolition of offence of buggery between persons.
3. Buggery of persons under 17 years of age.
4. Gross indecency with males under 17 years of age.
5. Protection of mentally impaired persons.
6. Soliciting or importuning for purposes of commission of sexual offence.
7. Soliciting or importuning for purposes of prostitution.
7A. Payment etc. for sexual activity with prostitute.
8. Loitering for purposes of prostitution.
9. Organisation of prostitution.
10. Living on earnings of prostitution.
11. Brothel keeping.
12. Amendment of section 19 of Criminal Law Amendment Act, 1935 (search of brothels).
13. Powers of arrest.
14. Repeals.
15. Short title and collective citation.

SCHEDULE

ENACTMENTS REPEALED

ACTS REFERRED TO

Criminal Law Amendment Act, 1885	48 & 49 Vict., c. 69
Criminal Law Amendment Act, 1912	2 & 3 Geo. 5, c. 20
Criminal Law Amendment Act, 1935	1935, No. 6
Criminal Law Amendment Acts, 1885 to 1935	
Dublin Police Act, 1842	5 & 6 Vict., c. 24

Offences against the Person Act, 1861	24 & 25 Vict., c. 100
Towns Improvement (Ireland) Act, 1854	17 & 18 Vict., c. 103
Town Police Clauses Act, 1847	10 & 11 Vict., c. 89
Vagrancy Act, 1898	61 & 62 Vict., c. 39

Number 20 *of* 1993

CRIMINAL LAW (SEXUAL OFFENCES) ACT 1993

REVISED

Updated to 22 December 2022

AN ACT TO AMEND THE LAW IN RELATION TO SEXUAL OFFENCES AND FOR THAT PURPOSE TO AMEND THE OFFENCES AGAINST THE PERSON ACT, 1861, IN RELATION TO BUGGERY; TO AMEND THE CRIMINAL LAW AMENDMENT ACTS, 1885 TO 1935; TO REPEAL THE VAGRANCY ACT, 1898, AND CERTAIN PROVISIONS OF CERTAIN OTHER ENACTMENTS RELATING TO SEXUAL OFFENCES AND TO PROVIDE FOR CONNECTED MATTERS. [7*th July*, 1993]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Editorial Notes:

E1 A number of Acts refer to offences under this Act as disqualifying or potentially disqualifying offences, or as otherwise meriting certain treatment. They include:

- *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 5 and sch. 1
- *Children First Act 2015* (36/2015), s. 2 (sexual abuse included in the definition of harm)
- *Taxi Regulation Act 2013* (37/2013), ss. 10, 30 and 31 and sch. part 1 item 8
- *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), s. 2 and sch. 1
- *Children Act 2001* (24/2001), ss. 251, 253-257 and sch. 1
- *Sex Offenders Act 2001* (18/2001), ss. 3, 10 and sch. paras. 12, 14
- *Bail Act 1997* (16/1997), s. 1 and sch. 1 paras. 12, 29 and 30
- *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997), s. 10 and sch. 1
- *Civil Legal Aid Act 1995* (32/1995), s. 26 as amended by *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), s. 78
- *Criminal Evidence Act 1992* (12/1992), s. 2 (included in definition of sexual offence) and Part III
- *Criminal Law (Rape) Act 1981* (10/1981), ss. 3, 4A(6) as amended by *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007), s. 3(1), (2)

Interpretation.

1.—(1) In this Act—

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"public place" means any place to which the public have access whether as of right or by permission and whether subject to or free of charge;

"solicits or importunes" includes soliciting or importuning from or in a motor vehicle, and cognate words shall be construed accordingly;

"street" includes any road, bridge, lane, footway, subway, square, court, alley or passsage, whether a thoroughfare or not, which is for the time being open to the

public; and the doorways, entrances and gardens abutting on a street and any ground or car-park adjoining and open to a street, shall be treated as forming part of a street.

(2) In this Act a person solicits or importunes for the purposes of prostitution where the person—

(*a*) F1**[**...**]**

(*b*) solicits or importunes another person for the purpose of obtaining that other person's services as a prostitute, or

(*c*) solicits or importunes another person on behalf of a person for the purposes of prostitution.

(3) In this Act references to sexual intercourse shall be construed as references to carnal knowledge as defined in section 63 of the Offences against the Person Act, 1861.

(4) In this Act and in any other enactment, whether passed before or after this Act, a reference to a prostitute includes a reference to a male person who is a prostitute and a reference to prostitution shall be construed accordingly.

(5) In this Act a reference to a subsection is a reference to the subsection of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

Annotations

Amendments:

F1 Deleted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 25(a), S.I. No. 112 of 2017.

Abolition of offence of buggery between persons.

2.—Subject to *sections 3* and *5* of this Act, any rule of law by virtue of which buggery between persons is an offence is hereby abolished.

Buggery of persons under 17 years of age.

3.— F2**[**...**]**

Annotations

Amendments:

F2 Repealed (2.06.2006) by *Criminal Law (Sexual Offences 2006* (15/2006), s. 8 and sch., commenced on enactment.

Editorial Notes:

E2 Previous affecting provision: application of section modified (7.03.2007) by *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007), s. 3(3), commenced on enactment; section repealed as per F-note above.

E3 Previous affecting provision: paras. (c), (d) amended (22.07.1997) by *Criminal Law Act 1997* (14/1997), s. 13 and sch. part 10, commenced on enactment; section repealed as per F-note above.

E4 Previous affecting provision: application of section extended (19.12.1996) by *Sexual Offences (Jurisdiction) Act 1996* (38/1996), s. 2 and sch., commenced on enactment; section repealed as per F-note above.

Gross indecency with males under 17 years of age.

4.—F3**[**...**]**

Annotations

Amendments:

F3 Repealed (2.06.2006) by *Criminal Law (Sexual Offences 2006* (15/2006), s. 8 and sch., commenced on enactment.

Editorial Notes:

E5 Previous affecting provision: application of section modified (7.03.2007) by *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007), s. 3(3), commenced on enactment; section repealed as per F-note above.

E6 Previous affecting provision: application of section extended (19.12.1996) by *Sexual Offences (Jurisdiction) Act 1996* (38/1996), s. 2 and sch., commenced on enactment; section repealed as per F-note above.

Protection of mentally impaired persons.

5. —F4**[**...**]**

Annotations

Amendments:

F4 Repealed (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 24, S.I. No. 112 of 2017.

Editorial Notes:

E7 Previous affecting provision: application of section extended (19.12.1996) by *Sexual Offences (Jurisdiction) Act 1996* (38/1996), s. 2 and sch., commenced on enactment; section repealed as per F-note above.

Soliciting or importuning for purposes of commission of sexual offence.

F5**[6.**— (1) A person who solicits or importunes a child (whether or not for the purposes of prostitution) for the purposes of the commission of an act that would constitute an offence—

(*a*) under section 2 or 3 of the Criminal Law (Sexual Offences) Act 2006, or

(*b*) referred to in section 2 of the Act of 1990,

shall be guilty of an offence.

(2) F6**[**...**]**

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

(*a*) on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 12 months, or to both, or

(*b*) on conviction on indictment to a fine, or imprisonment for a term not exceeding 5 years, or to both.

(4) In this section—

'Act of 1990' means the Criminal Law (Rape) (Amendment) Act 1990;

'child' means a person under the age of 17 years;

'mentally impaired' has the same meaning as it has in *section 5* of this Act. **]**

Annotations

Amendments:

F5 Substituted (7.03.2007) by *Criminal Law (Sexual Offences)(Amendment) Act 2007* (6/2007), s. 2, commenced on enactment.

F6 Repealed (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 24, S.I. No. 112 of 2017.

Modifications (not altering text):

C1 Application of section modified (7.03.2007) by *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007), s. 3(3), commenced on enactment.

Application of certain enactments.

3.— ...

(3) Sections 3, 4, 6, 7 and 8 of the Act of 1981 shall apply to an offence under section 6 of the Act of 1993 subject to the modification that references in any of those sections to—

(a) sexual assault offence shall be construed as including references to an offence under section 6 of the Act of 1993, and

(b) rape offence shall be construed as including references to an offence under section 6 of the Act of 1993.

...

Editorial Notes:

E8 Previous affecting provision: section substituted (1.05.2002) by *Children Act 2001* (24/2001), s. 250, S.I. No. 151 of 2002; substituted as per F-note above.

Soliciting or importuning for purposes of prostitution.

7.—A person who in a street or public place solicits or importunes another person or other persons for the purposes of prostitution shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding—

(*a*) £250, in the case of a first conviction,

(*b*) £500, in the case of a second conviction, or

(*c*) £500 or to imprisonment for a term not exceeding 4 weeks or to both, in the case of a third or any subsequent conviction.

Annotations

Editorial Notes:

E9 The Euro value of the fine in para. (a) is €317.43. The Euro value of the fine in paras. (b) and (c) is €634.87.

F7**[**Payment etc. for sexual activity with prostitute

7A. (1) A person who pays, gives, offers or promises to pay or give a person (including a prostitute) money or any other form of remuneration or consideration for the purpose of engaging in sexual activity with a prostitute shall be guilty of an offence and shall be liable on summary conviction—

(a) in the case of a first offence, to a class E fine, and

(b) in the case of a second or subsequent offence, to a class D fine.

(2) In this section 'sexual activity' means any activity where a reasonable person would consider that—

(a) whatever its circumstances or the purpose of any person in relation to it, the activity is because of its nature sexual, or

(b) because of its nature the activity may be sexual and because of its circumstances or the purposes of any person in relation to it (or both) the activity is sexual.**]**

Annotations

Amendments:

F7 Inserted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 25(b), S.I. No. 112 of 2017.

Loitering for purposes of prostitution.

8.—(1) A member of the Garda Síochána who has reasonable cause to suspect that a person is loitering in a street or public place in order to solicit or importune another person or other persons for the purposes of prostitution may direct that person to leave immediately that street or public place.

F8**[**(2) A person who without lawful authority or reasonable excuse fails to comply with a direction under *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a class D fine or imprisonment for a term not exceeding 6 months or both.**]**

Annotations

Amendments:

F8 Substituted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 25(c), S.I. No. 112 of 2017.

Organisation of prostitution.

9.—A person who for gain—

(*a*) controls or directs the activities of a prostitute in respect of prostitution,

(*b*) organises prostitution by controlling or directing the activities of more than one prostitute for that purpose, or

(*c*) compels or coerces a person to be a prostitute,

shall be guilty of an offence and shall be liable—

F9**[**(i) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(ii) on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.**]**

Annotations

Amendments:

F9 Substituted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 25(d), S.I. No. 112 of 2017.

Living on earnings of prostitution.

10.—(1) A person who knowingly lives in whole or in part on the earnings of the prostitution of another person and aids and abets that prostitution shall be guilty of an offence and shall be liable on summary conviction F10**[**to a class A fine or imprisonment for a term not exceeding 12 months or both**]**.

(2) If a judge of the District Court is satisfied on the sworn information of a member of the Garda Síochána not below the rank of sergeant that there are reasonable grounds for suspecting that any premises or any part of a premises is used by a person for the purposes of prostitution, and that any person residing in or frequenting the premises or part of the premises is living in whole or in part on the earnings of the prostitution of another person, he may issue a warrant under his hand authorising any member of the Garda Síochána, accompanied by other members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, and search the premises and arrest that person.

(3) A person who obstructs or interferes with a member of the Garda Síochána acting under the authority of a warrant under *subsection (2)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both.

Annotations

Amendments:

F10 Substituted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 25(e), S.I. No. 112 of 2017.

Brothel keeping.

11.—A person who—

(*a*) keeps or manages or acts or assists in the management of a brothel,

(*b*) being the tenant, lessee, occupier or person in charge of a premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution, or

(*c*) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets such premises or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

shall be guilty of an offence and shall be liable—

F11**[**(i) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or**]**

(ii) on conviction on indictment to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 5 years or to both.

Annotations

Amendments:

F11 Substituted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 25(f), S.I. No. 112 of 2017.

Amendment of section 19 of Criminal Law Amendment Act, 1935 (search of brothels).

12.—Section 19 of the Criminal Law Amendment Act, 1935, is hereby amended by—

(*a*) the substitution of "sergeant" for "inspector" in each place it occurs, and

(*b*) the substitution in subsection (4) of "£500" for "five pounds".

Powers of arrest.

13.—(1) If a member of the Garda Síochána reasonably suspects that a person has committed an offence under *section 4, 6, 7,* F12**[***7A,***]** *8 (2)* or *10 (3)* of this Act he may—

(*a*) arrest that person without warrant, or

(*b*) require him to give his name and address and, if the person fails or refuses to do so or gives a name or address that the member reasonably suspects to be false or misleading, the member may arrest that person without warrant.

(2) A person who fails or refuses to give his name or address when required under *subsection (1)*, or gives a name or address which is false or misleading, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Annotations

Amendments:

F12 Inserted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 25(g), S.I. No. 112 of 2017.

Repeals.

14.—The enactments specified in *column (2)* of the *Schedule* to this Act are hereby repealed to the extent specified in *column (3)* of that Schedule.

Short title and collective citation.

15.—(1) This Act may be cited as the Criminal Law (Sexual Offences) Act, 1993.

(2) The Criminal Law Amendment Acts, 1885 to 1935, and this Act may be cited together as the Criminal Law (Sexual Offences) Acts, 1885 to 1993.

Section 14.

SCHEDULE

Enactments Repealed

Session and Chapter or Year and Number (1)	Short Title (2)	Extent of Repeal (3)
5 & 6 Vict., c. 24	Dublin Police Act, 1842	Paragraph 11 of section 14.
10 & 11 Vict., c. 89	Town Police Clauses Act, 1847	In section 28 the words "Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution:".
17 & 18 Vict., c. 103	Towns Improvement (Ireland) Act, 1854	In section 72 the words "Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution, or being otherwise offensive, shall be liable to a fine not exceeding Forty Shillings:".
24 & 25 Vict., c. 100	Offences against the Person Act, 1861	Sections 61 and 62 (save in so far as they apply to buggery or attempted buggery with animals).
48 & 49 Vict., c. 69	Criminal Law Amendment Act, 1885	Section 11.
61 & 62 Vict., c. 39	Vagrancy Act, 1898	The whole Act.
2 & 3 Geo. 5, c. 20	Criminal Law Amendment Act, 1912	Sections 3 and 7.
1935, No. 6	Criminal Law Amendment Act, 1935	Sections 4, 13 and 16.

Number 20 *of* 1993

CRIMINAL LAW (SEXUAL OFFENCES) ACT 1993

REVISED

Updated to 22 December 2022

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Law (Sexual Offences) Act 2017* (2/2017)
- *Taxi Regulation Act 2013* (37/2013)
- *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012)
- *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007)
- *Criminal Law (Sexual Offences) Act 2006* (15/2006)
- *Sexual Offenders Act 2001* (18/2001)
- *Children Act 2001* (24/2001)
- *Bail Act 1997 (16/1997)*
- *Criminal Law Act 1997 (14/1997)*

- *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997)
- *Civil Legal Aid Act 1995 (32/1995)*
- *Criminal Evidence Act 1992* (12/1992)
- *Criminal Law (Rape) Act 1981 (10/1981)*

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

None

All statutory instruments up to and including *Appointment of Special Adviser (Minister of State at the Department of Health) (No. 2) Order 2022* (S.I. No. 740 of 2022), made 13 December 2022, were considered in the preparation of this revision.