

**Paras 9.6** The exception relating to sexual communication with a child came into force on 3 April 2017.

**Para 9.75** The Serious Crime Act 2015, s 67, which introduced s 15A into the Sexual Offences Act 2003, came into force on 3 April 2017.

**\*Para 9.79** The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018, reg 21, which came into force on 2 April 2018, has added to the places listed in (c) in the text ‘a place in Wales at which a care home service is provided’.

**\*Para 9.116** As the result of amendments made by the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018, reg 23, which came into force on 2 April 2018, s 42(2) applies if:

‘(a) B is accommodated and cared for in a care home, community home, voluntary home, children’s home, or premises in Wales at which a secure accommodation service is provided, and

(b) A has functions to perform in the course of employment in the home or the premises which have brought him or are likely to bring him into regular face to face contact with B.’

**Para 9.120** The Court of Appeal in *Pacurar* [2016] EWCA Crim 569, considering the Sexual Offence Act 2003, s 63 and the meaning of the ‘intent to commit a sexual offence’ requirement, held that it was clear from the wording of s 63 that Parliament intended the provision to apply: (a) to cases where it was clear from the facts that a specific sexual offence was intended, and the prosecution was in a position to identify the offence alleged in the Particulars of the Offence in the indictment, and (b) to cases where it was obvious that D intended to commit one of the sexual offences contained in Part 1 of the Act but it was impossible to specify which offence and against whom it was to be committed. The Court of Appeal suggested that where it was a case within (b) a number of safeguards could be put in place to ensure that the prosecution and trial was fair, and that D was sufficiently aware of the charges against him and was thereby able to defend himself accordingly. One safeguard, as occurred in this case, was to specify the range of offences that may have been intended. The Court of Appeal rejected the notion, where it was a case within (b), and therefore the sexual offence intended was unspecified, that the judge was required to direct the jury that they had to agree on the sexual offence intended before they reached a verdict. The Court of Appeal confirmed that it was irrelevant whether the jury agreed on the specific sexual offence intended provided they agreed on the requirements of the offence, namely that D trespassed with the intent to commit a relevant sexual offence, one that fell within Part 1 of the Act.