

ANTIGUA AND BARBUDA



SEXUAL OFFENCES (AMENDMENT) BILL, 2026

NO. OF 2026

ANTIGUA AND BARBUDA**SEXUAL OFFENCES (AMENDMENT) BILL, 2026****ARRANGEMENT OF CLAUSES****CLAUSE**

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ANTIGUA AND BARBUDA
SEXUAL OFFENCES (AMENDMENT) BILL, 2026
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AN ACT to amend the Sexual Offences Act, 1995 to increase the penalty to be imposed on offenders who commit certain sexual offences against minors and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. Short Title

This Act may be cited as the Sexual Offences (Amendment) Act, 2026.

2. Interpretation

In this Act,

“principal Act” means the Sexual Offences Act, 1995

3. Amendment of section 5

Section 5 of the principal Act is repealed in its entirety and replaced as follows:

“5. Sexual intercourse with a minor under 16 years of age prohibited

(1) Where a person has sexual intercourse with a minor who is under the age of 16 years, he or she is guilty of an offence, whether or not the minor consented to having the sex intercourse or whether or not at the time of having the sexual intercourse, he or she believed the minor to be sixteen years of age or more.

(2) A person who commits the offence under subsection (1) is liable on conviction to imprisonment for life.

(3) A person is not guilty of an offence under subsection (1) if —

(a) he or she has sexual intercourse with a minor who is 14 years or older;

(b) he or she is not more than three years older than the minor; and

(c) the court is of the opinion that the evidence discloses that as between the minor and the person, the person is not wholly or substantially to be blamed.”

4. Repeal of section 6 – Sexual intercourse with a female between fourteen and sixteen

Section 6 of the principal Act is repealed in its entirety.

5. Repeal of section 7 – Sexual intercourse with male under sixteen

Section 7 of the principal Act is repealed in its entirety.

6. Amendment of section 8 – Incest

Section 8 of the principal Act is amended by repealing subsection (3) and replacing it as follows –

“(3) A person who commits the offence of incest is liable on conviction to imprisonment –

- (a) for life, if committed by an adult with a person under the age of 18 years;
- (b) for twenty-five years if committed by an adult with a person over the age of 18 years;
- (c) for twenty-five years if committed by a minor with another minor using violence or threats of violence or intimidation;”

7. Amendment of section 9 – Sexual intercourse with adopted minor etc.

Section 9 of the principal Act is repealed and replaced as follows –

“9. Sexual intercourse with adopted minor, etc.

(1) An adult who has sexual intercourse with a minor who is the adult’s adopted child, step-child, foster child, god-child, ward or dependant is guilty of an offence.

(2) An adult who commits an offence under this section is liable on conviction to imprisonment for life.”

8. Amendment of section 10 – Sexual intercourse with minor employee

Section 10 of the principal Act is amended as follows:

- (a) by repealing the word “ten years” in subsection (1) and replacing this with the words “thirty years”; and
- (b) by repealing subsection (3) in its entirety.

9. Amendment of section 14 – Indecent assault

Section 14 of the principal Act is amended in subsection (1), by repealing the words “five years” and replacing it with the words “twenty years”.

10. Amendment of section 15 – Serious indecency

Section 15 of the principal Act is amended as follows –

- (a) in subsection (1)-

- (i) by repealing the words “ten years” in paragraph (a) and replacing this with the words “thirty years”; and
 - (ii) by repealing the words “five years” in paragraph (b) and replacing this with the words “thirty years”.
- (b) by repealing subsection (2) and replacing it as follows:
- “(2) Subsection (1) does not apply to an act of serious indecency committed in private between consenting adults.”

11. Amendment of the principal Act

The principal Act is amended by inserting after section 22 the following new section –

“22A. Minimum penalty to be enforced for certain offences

(1) Notwithstanding the provisions of the Abolition of Minimum Punishments Act, Cap. 1, or the requirements of any rule of sentencing requiring the reduction in the sentence that may be imposed on a convicted person in particular circumstances, a person who is convicted of an offence under sections 5, 8, 9, 10, 14 or 15 of this Act shall not be sentenced for any amount that is less than 50 per cent of the maximum penalty prescribed under this Act unless it appears to the Judge that there are exceptional mitigating circumstances in the case that would justify a sentence of less than 50 per cent of the prescribed penalty for the offence.

(2) Where a Judge imposes a sentence on an offender that is less than the minimum amount prescribed by virtue of this section, the Judge shall give reasons for so doing.”

12. Amendment of the principal Act

The principal Act is amended by inserting after section 27 the following new section as follows:

“27A. Warning to jury

Where on a trial of a person for an offence under this Act, evidence is presented or a question is asked of a witness which tends to suggest an absence of complaint in respect to the commission of the alleged offence by the person upon whom the offence is alleged to have been committed or to suggest delay by that person in making any such complaint, the judge shall –

- (a) give a warning to the jury to the effect that the absence of a complaint or a delay in complaining does not necessarily indicate that the allegation that the offence was committed is false; and
- (b) inform the jury that there may be good reasons why a victim of a sexual offence may hesitate in making or may refrain from making a complaint about the assault.”

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Clerk to the Senate

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Sexual Offences Act 1995 to increase the penalty for certain sexual offences, especially those against minors and for other connected purposes.

The Bill contains 13 clauses as follows:

Clauses 1 and 2 – The short title and Interpretation clauses, respectively, are standard.

Clause 3 – Amendment of section 5.

This amendment abolishes the distinction between whether or not the victim is 14 or 16 years of age; and whether the perpetrator is a man or a woman;

The offence is committed by a person having sex with a minor under the age of 16 years. However, the defence of “young romance” is maintained where the persons involved are over 14 years of age and are within three years old of each other.

Clauses 4 and 5 repeals sections 6 and 7 respectively which carries over and relies on the distinction of females between 14 and 16 and males under 16 respectively.

Clause 6 – Amendment of section 8 – Incest. The penalty for the offence has been increased and the paragraph in relation to minors have been amended so that the offence is committed by a minor with another minor where there is violence, threat of violence or intimidation.

Clause 7 – Amendment of section 9 Sexual intercourse with adopted minor etc.

The penalty for the offence has been increased.

Clause 8 – Amendment of section 10 – Sexual intercourse with minor employee

The penalty has increased. Further, there is no allowance within our laws any longer for minor’s to be married. As such, subsection (3) of this section was removed.

Clause 9 – Amendment of section 14 – Indecent Assault

The penalty has been increased from 5 years to 20 years.

Clause 10 – Amendment of section 15 – Serious Indecency

The penalty for the offence has been increased in all circumstances to thirty years. The section has been amended so as not to apply to serious indecency committed in private between consenting adults.

Clause 11 – Amendment of the principal Act

This clause introduces a new section in the Act which introduces a mandatory sentence of no less than 50% of the maximum penalty prescribed where a person is convicted for an offence under sections 5, 8, 9, 10, 14 or 15 of this Act. Where the Judge imposes a lesser sentence, the Judge must provide reasons for doing so.

Clauses 12 and 13 addresses the issue of recent complaint which was previously a common law doctrine. The applicability of recent complaints was removed in the 1995 legislation and is now reinserted.

Hon. Sir Steadroy C. O. Benjamin KGCN
*Attorney General and
Minister with responsibility for Legal Affairs*

HoR Sitting: S1:S3 (Sept. 2026)