



# Sexual Offences (Scotland) Act 2009

## 2009 asp 9

### PART 6

#### PENALTIES

##### *Penalties*

#### **48 Penalties**

- (1) A person guilty of an offence mentioned in the first column of schedule 2 is liable—
  - (a) on summary conviction, to the penalty mentioned in the third column,
  - (b) on conviction on indictment, to the penalty mentioned in the fourth column.
- (2) Where an individual is convicted on indictment of rape, sexual assault by penetration, rape of a young child or sexual assault on a young child by penetration, a penalty of imprisonment without a fine may be imposed, but not a penalty of a fine alone; and the power of the court in section 199(2)(b) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (to substitute a fine for imprisonment) is not available.
- (3) Where—
  - (a) a body corporate,
  - (b) a Scottish partnership, or
  - (c) an unincorporated association other than a Scottish partnership,is convicted on indictment of an offence specified in subsection (2), a penalty of a fine alone may be imposed.