



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 5

ABUSE OF POSITION OF TRUST

Children

44 Interpretation of section 43

In section 43—

“care home service” has the meaning given by [^{F1}paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8) (“the 2010 Act”)],

“further or higher education institution” means a body listed in schedule 2 to the Further and Higher Education (Scotland) Act 2005 (asp 6) [^{F2}or a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act],

“hospital” means a health service hospital (as defined in section 108(1) of the National Health Service (Scotland) Act 1978 (c. 29)),

[^{F3}“independent health care service” means any of the following—

- (a) an independent hospital;
- (b) a private psychiatric hospital;
- (c) an independent clinic; or
- (d) an independent medical agency,

as each of those terms is defined in section 10F(2) of the National Health Service (Scotland) Act 1978 (c.29) . .]

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),

“parental responsibilities” and “parental rights” have the same meanings as in the Children (Scotland) Act 1995 (c. 36),

“residential establishment” has the meaning given by section 93(1)(a) of that Act of 1995,

“school” has the same meaning as in the Education (Scotland) Act 1980 (c. 44),

“school care accommodation service” has the meaning given by [^{F4}paragraph 3 of schedule 12 to the 2010 Act], and

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 44. (See end of Document for details)

“secure accommodation service” has the meaning given by [^{F5}paragraph 6 of schedule 12 to the 2010 Act].

Textual Amendments

- F1** Words in s. 44 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **Sch. 1 para. 20(2)(a)**
- F2** Words in s. 44 inserted (31.3.2015) by [The Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015 \(S.S.I. 2015/153\)](#), art. 1, **Sch. para. 5**
- F3** Definition in s. 44 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **Sch. 2 para. 11**
- F4** Words in s. 44 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **Sch. 1 para. 20(2)(b)**
- F5** Words in s. 44 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **Sch. 1 para. 20(2)(c)**

Changes to legislation:

There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 44.