



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 7

MISCELLANEOUS AND GENERAL

Miscellaneous

56 [F1Section 55: continuity of law]

- (1) This section applies where, in any trial—
- (a) the accused is charged in respect of the same conduct both—
 - (i) with an offence mentioned in subsection (2) as modified by section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995 (commission of certain sexual acts outside the United Kingdom), and
 - (ii) with that offence as modified by section 55,
 - (b) there is a failure to establish beyond reasonable doubt that—
 - (i) the time when the conduct took place was after the coming into force of section 55, and
 - (ii) the time when the conduct took place was before the coming into force of the repeal of section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995, and
 - (c) the court (or, in the case of a trial of an indictment, the jury) is satisfied in every other respect that the accused committed the offences charged.
- (2) The offences referred to in subsection (1)(a) are—
- (a) an offence under section 52 of the Civic Government (Scotland) Act 1982 (c. 45) (taking and distribution of indecent images of children),
 - (b) an offence under section 52A of that Act (possession of indecent images of children),
 - (c) an offence under section 9 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) (paying for sexual services of a child),
 - (d) an offence under section 10 of that Act (causing or inciting provision by child of sexual services or pornography),

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 56. (See end of Document for details)

- (e) an offence under section 11 of that Act (controlling a child providing sexual services or involved in pornography),
 - (f) an offence under section 12 of that Act (arranging or facilitating provision by child of sexual services or pornography).
- (3) Where this section applies, the accused may be found guilty of the offence mentioned in subsection (2) as modified by section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995.
- (4) A reference in this section to an offence includes a reference to—
- (a) an attempt to commit,
 - (b) incitement to commit,
 - (c) counselling or procuring the commission of, and
 - (d) involvement art and part in,
- an offence.

Textual Amendments

- F1** S. 56 heading heading substituted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), [Sch. 3 para. 5\(4\)](#); [S.S.I. 2021/239](#), reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 56.