



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART I

SEXUAL OFFENCES

Procuring, prostitution etc.

9 Permitting girl to use premises for intercourse.

(1) Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control of any premises, induces or knowingly suffers any girl of such age as is mentioned in this subsection to resort to or be in or upon such premises for the purpose of having unlawful sexual intercourse with men or with a particular man—

- (a) if such girl is under the age of 13 years, shall be liable on conviction on indictment to imprisonment for life; and
- (b) if such girl is of or over the age of 13 years and under the age of 16 years, shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or on summary conviction to imprisonment for a term not exceeding three months.

(2) It shall be a defence to a charge [^{F1}in proceedings] under this section that the person so charged ^{F2}. . . had reasonable cause to believe that the girl was of or over the age of 16 years.

[^{F3}(2A) But the defence under subsection (2) is not available to the person so charged if—

- (a) that person has previously been charged by the police with a relevant sexual offence;^{F4} . . .
- [^{F5}(aa) that person has a previous conviction for a relevant foreign offence committed against a person under the age of 16 [^{F6}and the court considers it appropriate for the conviction to have that effect]; or]

Changes to legislation: *Criminal Law (Consolidation) (Scotland) Act 1995, Section 9 is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) there is in force in respect of that person a risk of sexual harm order.]
- (3) In subsection [F7(2A) above—
- (a) “a relevant sexual offence” has the same meaning as in section 39(5)(a) of the Sexual Offences (Scotland) Act 2009 (asp 9);^{F8} . . .
- [^{F9}(aa) “a previous conviction for a relevant foreign offence” has the same meaning as in section 39(5)(aa) of that Act; and]
- (b) “a risk of sexual harm order” has the same meaning as in section 39(5)(b) of that Act.]

Textual Amendments

- F1** Words in s. 9(2) inserted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61(1), 62(2), **sch. 5 para. 1(4)(a)(i)**; S.S.I. 2010/357, **art. 2(a)**
- F2** Words in s. 9(2) omitted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61(1), 62(2), **sch. 5 para. 1(4)(a)(ii)**; S.S.I. 2010/357, **art. 2(a)**
- F3** S. 9(2A) inserted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61(1), 62(2), **sch. 5 para. 1(4)(b)**; S.S.I. 2010/357, **art. 2(a)**
- F4** Word in s. 9(2A)(a) repealed (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 71(1), 206(1), **sch. 4 para. 11(2)(a)**; S.S.I. 2010/413, **art. 2**, Sch.
- F5** S. 9(2A)(aa) inserted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 71(1), 206(1), **sch. 4 para. 11(2)(b)**; S.S.I. 2010/413, **art. 2**, Sch.
- F6** Words in s. 9(2A)(aa) inserted (31.12.2020) by The Criminal Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/339), regs. 1(3), **12** (with reg. 16)
- F7** Words in s. 9(3) substituted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61(1), 62(2), **sch. 5 para. 1(4)(c)**; S.S.I. 2010/357, **art. 2(a)**
- F8** Word in s. 9(3)(a) repealed (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 71(1), 206(1), **sch. 4 para. 11(3)(a)**; S.S.I. 2010/413, **art. 2**, Sch.
- F9** S. 9(3)(aa) inserted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 71(1), 206(1), **sch. 4 para. 11(3)(b)**; S.S.I. 2010/413, **art. 2**, Sch.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(8) added by [2010 asp 13 s. 200\(2\)\(a\)](#)
- s. 45(6) added by [2010 asp 13 s. 200\(2\)\(c\)](#)
- s. 46(5) added by [2010 asp 13 s. 200\(2\)\(d\)\(ii\)](#)