

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, SCHEDULE 1 is up to date with all changes known to be in force on or before 20 September 2019. 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

SCHEDULES

SCHEDULE 1

OFFENCES AGAINST CHILDREN UNDER THE AGE OF 17 YEARS TO WHICH SPECIAL PROVISIONS APPLY

- 1 Any offence under Part I of the ^{M1}Criminal Law (Consolidation) (Scotland) Act 1995.

Marginal Citations

M1 1995 c.39.

PROSPECTIVE

- [^{F1}1A Any offence under section 18 (rape of a young child) or 28 (having intercourse with an older child) of the Sexual Offences (Scotland) Act 2009 (asp 9).

Textual Amendments

F1 Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1B Any offence under section 19 (sexual assault on a young child by penetration) or 29 (engaging in penetrative sexual activity with or towards an older child) of that Act.

Textual Amendments

F1 Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1C Any offence under section 20 (sexual assault on a young child) or 30 (engaging in sexual activity with or towards an older child) of that Act.

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Textual Amendments

- F1** Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1D** Any offence under section 42 of that Act (sexual abuse of trust) towards a child under the age of 17 years but only if the condition set out in section 43(6) of that Act is fulfilled.]

Textual Amendments

- F1** Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 2** Any offence under section 12, 15, 22 or 33 of the ^{M2}Children and Young Persons (Scotland) Act 1937.

Marginal Citations

- M2** 1987 c. 41.

- [^{F2}2A Any offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005 where the person mutilated or, as the case may be, proposed to be mutilated, is a child under the age of 17 years.]

Textual Amendments

- F2** Sch. 1 para. 2A inserted (1.9.2005) by [Prohibition of Female Genital Mutilation \(Scotland\) Act 2005 \(asp 8\)](#), ss. 7(1), 8(2)

- [^{F3}2B Any offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 in relation to an indecent photograph [^{F4}or pseudo-photograph] of a child under the age of 17 years.

Textual Amendments

- F3** Sch. 1 para. 2B, 2C inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), ss. 18, 20(2), [Sch. para. 2](#); S.S.I. 2005/480, [art. 2](#) (with savings in [art. 3](#))
- F4** Words in Sch. 1 para. 2B inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 41(2), 206(1); S.S.I. 2010/413, [art. 2](#), Sch.

- 2C** Any offence under section 1, 9, 10, 11 or 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 in respect of a child under the age of 17 years.]

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Textual Amendments

F3 Sch. 1 para. 2B, 2C inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), ss. 18, 20(2), **Sch. para. 2**; S.S.I. 2005/480, **art. 2** (with savings in **art. 3**)

- 3 Any other offence involving bodily injury to a child under the age of 17 years.
- 4 Any offence involving the use of lewd, indecent or libidinous practice or behaviour towards a child under the age of 17 years.

PROSPECTIVE

[^{F5}4A Any offence under section 5 (coercing a person into being present during a sexual activity), 6 (coercing a person into looking at a sexual image), 7 (communicating indecently etc.), 8 (sexual exposure) or 9 (voyeurism) of the Sexual Offences (Scotland) Act 2009 (asp 9) towards a child under the age of 17 years.

Textual Amendments

F5 Sch. 1 paras. 4A, 4B inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), **Sch. 5 para. 2(8)(b)**; S.S.I. 2010/357, **art. 2(a)**

4B Any offence under any of sections 21 to 26 or 31 to 37 of that Act (certain sexual offences relating to children).]

PROSPECTIVE

Textual Amendments

F5 Sch. 1 paras. 4A, 4B inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), **Sch. 5 para. 2(8)(b)**; S.S.I. 2010/357, **art. 2(a)**

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View outstanding changes

Changes and effects yet to be applied to :

- 136(3) applied by S.I. 2019/1145 reg. 34(4)(a)

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. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B)(1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)
- s. 18GA inserted by 2019 c. 3 Sch. 2 para. 8
- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 167(7D)(7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 209(7B) inserted by 2019 asp 14 Sch. 1 para. 1(2)
- s. 227A(2)(j) inserted by 2019 asp 14 Sch. 1 para. 2(2)
- s. 227G(2)(b)(viii) and word inserted by 2019 asp 14 Sch. 1 para. 2(3)(a)(iii)
- s. 227G(4A) inserted by 2019 asp 14 Sch. 1 para. 2(3)(c)
- s. 227ZE(A1) inserted by 2019 asp 14 Sch. 1 para. 2(4)(a)
- s. 227ZG(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(2)(b)
- s. 227ZH(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(3)(b)
- s. 245A(6)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(4)(b)
- s. 245E(4A)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(5)(a)(ii)
- s. 245DA inserted by 2019 asp 14 Sch. 1 para. 4(2)
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 253A-253E and cross-heading inserted by 2014 asp 1 s. 25
- s. 253A(2) applied by 2002 c. 29, s. 97A(9) (as inserted) by 2015 c. 9 s. 15(2)
- s. 271B(4A) inserted by 2019 asp 8 s. 2(2)(a)
- s. 271B(7) inserted by 2019 asp 8 s. 2(2)(b)
- s. 271D(3A)-(3C) inserted by 2019 asp 8 s. 4(2)
- s. 271D(4A) inserted by 2019 asp 8 s. 6(4)
- s. 271D(6A) inserted by 2019 asp 8 s. 5(8)
- s. 271F(2)(aa) inserted by 2019 asp 8 s. 10(4)
- s. 271I(1ZA)-(1ZD) inserted by 2019 asp 8 s. 5(2)

- s. 271I(4A) inserted by [2019 asp 8 s. 5\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZA-271BZC inserted by [2019 asp 8 s. 1\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); [S.S.I. 2003/288, art. 2, Sch.](#))