



# Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

## 2005 asp 9

### *Meeting a child following certain preliminary contact*

#### **1 Meeting a child following certain preliminary contact**

- (1) A person (“A”) commits an offence if—
- (a) having met or communicated with another person (“B”) on at least one earlier occasion, A—
    - (i) intentionally meets B;
    - (ii) travels, in any part of the world, with the intention of meeting B in any part of the world; or
    - (iii) makes arrangements, in any part of the world, with the intention of meeting B in any part of the world, for B to travel in any part of the world;
  - (b) at the time, A intends to engage in unlawful sexual activity involving B or in the presence of B—
    - (i) during or after the meeting; and
    - (ii) in any part of the world;
  - (c) B is—
    - (i) aged under 16; or
    - (ii) a constable;
  - (d) A does not reasonably believe that B is 16 or over; and
  - (e) at least one of the following is the case—
    - (i) the meeting or communication on an earlier occasion referred to in paragraph (a) (or, if there is more than one, one of them) has a relevant Scottish connection;
    - (ii) the meeting referred to in sub-paragraph (i) of that paragraph or, as the case may be, the travelling referred to in sub-paragraph (ii) of that paragraph or the making of arrangements referred to in sub-paragraph (iii) of that paragraph, has a relevant Scottish connection;
    - (iii) A is a British citizen or resident in the United Kingdom.
- (2) In subsection (1) above—

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*Status: Point in time view as at 01/12/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, Cross Heading: Meeting a child following certain preliminary contact. (See end of Document for details)*

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- (a) the reference to A's having met or communicated with B is a reference to A's having met B in any part of the world or having communicated with B by any means from or in any part of the world (and irrespective of where B is in the world); and
  - (b) a meeting or travelling or making of arrangements has a relevant Scottish connection if it, or any part of it, takes place in Scotland; and a communication has such a connection if it is made from or to or takes place in Scotland.
- (3) For the purposes of subsection (1)(b) above, it is not necessary to allege or prove that A intended to engage in a specific activity.
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine or both.
- (5) [<sup>F1</sup>Subsection (7) of section 55 of the Sexual Offences (Scotland) Act 2009 (asp 9)] (which determines the sheriff court district in which proceedings against persons committing certain sexual acts outside the United Kingdom are to be taken) apply in relation to proceedings for an offence under this section as they apply to an offence to which that section applies.

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#### **Textual Amendments**

- F1** Words in s. 1(5) substituted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), s. 62(2), [Sch. 5 para. 7](#); [S.S.I. 2010/357](#), art. 2(a)

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#### **Commencement Information**

- I1** S. 1 in force at 7.10.2005 by [S.S.I. 2005/480](#), art. 2

**Status:**

Point in time view as at 01/12/2010.

**Changes to legislation:**

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