

PROTECTION OF CHILDREN AND PREVENTION OF SEXUAL OFFENCES (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 11 – Controlling a child providing sexual services or involved in pornography

35. **Section 11** makes it an offence for a person (A) intentionally to control any of the activities of a person under 18 (B) relating to B's provision of sexual services or involvement in pornography in any part of the world. The expressions "pornography" and "provider of sexual services" are defined in section 13. This offence is intended to cover situations where someone is, for example, acting as a pimp for children involved in the provision of sexual services or controlling the movements of a child involved in pornography. That person might not recruit the children, nor actually take the photographs or obtain sexual services from the children, but he or she might control what the children do and the payments given.
36. In cases where B is 13 or over, the Crown must prove that A did not reasonably believe that B was 18 or over. Where B is under 13, the offence is committed regardless of A's belief as to B's age. Subsection (2) provides maximum penalties of 6 months imprisonment on summary conviction and 14 years imprisonment on indictment.