

*These notes relate to the Protection of Children and Prevention of Sexual Offences  
(Scotland) Act 2005 (asp 9) which received Royal Assent on 12 July 2005*

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

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## **EXPLANATORY NOTES**

### **THE ACT – COMMENTARY ON SECTIONS**

#### ***Section 14 – Liability to other criminal proceedings***

42. Subsection (1) sets out that sections 9 to 12 do not exempt any person from any proceedings for any other offence which is punishable at common law or under any other enactment. This means, for example, that someone could be prosecuted for causing a child to be involved in pornography and for taking indecent photographs of that child, depending on the circumstances. Similarly, someone could be prosecuted for causing a child to provide sexual services and for unlawful intercourse with a girl under 16 (an offence under section 5 of the Criminal Law (Consolidation) (Scotland) Act 1995), depending on the circumstances. However, subsection (2) provides that this does not mean that a person can be punished twice for the same offence. While it is already the case that in Scots law a person cannot be punished twice for the same offence, this subsection is included for clarity in view of the terms of subsection (1).