SCHEDULE

(introduced by section 18)

MINOR AND CONSEQUENTIAL AMENDMENTS

The Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

F1 1 . . . . . .

Textual Amendments

F1 Sch. para. 1 repealed (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), s. 62(2), **Sch. 6**; S.S.I. 2010/357, art. 2(a)

The Criminal Procedure (Scotland) Act 1995 (c. 46)

2 In Schedule 1 to the Criminal Procedure (Scotland) Act 1995 (offences against children under 17 to which special provisions apply), after paragraph 2A there is inserted—

"2B Any offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 in relation to an indecent photograph of a child under the age of 17 years.

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.".

Commencement Information

I1 Sch. para. 2 in force at 7.10.2005 by S.S.I. 2005/480, **art. 2**

The Sexual Offences Act 2003 (c. 42)

3 In Schedule 3 to the 2003 Act (offences which make a person subject to the requirements of Part 2 of the Act)—

(a) in paragraph 45, after "children)" there is inserted "if—

(a) the child was under 16 and the offender—

(i) was 18 or over, or

(ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or

(b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph";

(b) in paragraph 46, after "children)" there is inserted "if—

(a) the child was under 16 and the offender—

(i) was 18 or over, or

(ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or

Changes to legislation: *There are currently no known outstanding effects for the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, SCHEDULE. (See end of Document for details)*

(b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph";

(c) after paragraph 59 there is inserted—

"59A An offence under section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) (meeting a child following certain preliminary contact) if—

(a) the offender—

(i) was 18 or over, or

(ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or

(b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.

59B An offence under section 9 of that Act (paying for sexual services of a child), if—

(a) the victim or (as the case may be) other party was under 16 and the offender—

(i) was 18 or over, or

(ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or

(b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.

59C An offence under any of sections 10 to 12 of that Act, if—

(a) the provider of sexual services or (as the case may be) person involved in pornography was under 16 and the offender—

(i) was 18 or over, or

(ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or

(b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph."; and

(d) in paragraph 60, for "59" there is inserted " 59C ".

Modifications etc. (not altering text)

C1 Sch. para. 3 extended (E.W.N.I.) (8.11.2006) by Violent Crime Reduction Act 2006 (c. 38), **s. 56(1)(b)**

Commencement Information

I2 Sch. para. 3 in force at 7.10.2005 by S.S.I. 2005/480, **art. 2** (with art. 3(3)(4))

Changes to legislation:
There are currently no known outstanding effects for the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, SCHEDULE.