

SCHEDULE

(introduced by section 18)

MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 1 In section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995 (commission of certain sexual acts outside the United Kingdom), in subsection (7)—
- (a) the word “and” immediately before paragraph (j) is repealed; and
 - (b) after that paragraph there is added—
 - “(k) an offence under section 52A of that Act (possession of indecent images of children);
 - (l) an offence under section 9 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) (paying for sexual services of a child);
 - (m) an offence under section 10 of that Act (causing or inciting provision by child of sexual services or child pornography);
 - (n) an offence under section 11 of that Act (controlling a child providing sexual services or involved in pornography); and
 - (p) an offence under section 12 of that Act (arranging or facilitating provision by child of sexual services or child pornography).”.

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.”.

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—

Status: This is the original version (as it was originally enacted).

- (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”;
- (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”.