

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

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 12 – Arranging or facilitating provision by child of sexual services or child pornography

37. **Section 12** makes it an offence for a person (A) intentionally to arrange or facilitate the provision of sexual services or involvement in pornography, of a person under 18 (B), in any part of the world. This offence is intended to cover situations where A is, for example, arranging clients for B or providing premises for the provision of sexual services or pornography to take place. The expressions “pornography” and “provider of sexual services” are defined in section 13.
38. 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.