

*Status: Point in time view as at 01/12/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, SCHEDULE 2. (See end of Document for details)*

SCHEDULE 2  
(introduced by section 48)

PENALTIES

<i>Offence</i>	<i>Section introducing offence</i>	<i>Maximum penalty on summary conviction</i>	<i>Maximum penalty on conviction on indictment</i>
Rape	Section 1		Life imprisonment and a fine
Sexual assault by penetration	Section 2		Life imprisonment and a fine
Sexual assault	Section 3	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Life imprisonment or a fine (or both)
Sexual coercion	Section 4	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Life imprisonment or a fine (or both)
Coercing a person into being present during a sexual activity	Section 5	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Coercing a person into looking at a sexual image	Section 6	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Communicating indecently	Section 7(1)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Causing a person to see or hear an indecent communication	Section 7(2)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)

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Sexual exposure	Section 8	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Voyeurism	Section 9	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Administering a substance for sexual purposes	Section 11	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Rape of a young child	Section 18		Life imprisonment and a fine
Sexual assault on a young child by penetration	Section 19		Life imprisonment and a fine
Sexual assault on a young child	Section 20	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Life imprisonment or a fine (or both)
Causing a young child to participate in a sexual activity	Section 21	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Life imprisonment or a fine (or both)
Causing a young child to be present during a sexual activity	Section 22	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Causing a young child to look at a sexual image	Section 23	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)

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Communicating indecently with a young child	Section 24(1)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Causing a young child to see or hear an indecent communication	Section 24(2)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Sexual exposure to a young child	Section 25	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Voyeurism towards a young child	Section 26	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Having intercourse with an older child	Section 28	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Engaging in penetrative sexual activity with or towards an older child	Section 29	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Engaging in sexual activity with or towards an older child	Section 30	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Causing an older child to participate in a sexual activity	Section 31	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)

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Causing an older child to be present during a sexual activity	Section 32	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Causing an older child to look at a sexual image	Section 33	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Communicating indecently with an older child	Section 34(1)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Causing an older child to see or hear an indecent communication	Section 34(2)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Sexual exposure to an older child	Section 35	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Voyeurism towards an older child	Section 36	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Engaging while an older child in sexual conduct with or towards another older child	Section 37(1)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)
Engaging while an older child in consensual sexual conduct with another older child	Section 37(4)	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 10 years or a fine (or both)

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Sexual abuse of trust	Section 42	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both)
Sexual abuse of trust of a mentally disordered person	Section 46	Imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both)	Imprisonment for a term not exceeding 5 years or a fine (or both).

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