
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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