

Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 4

CHILDREN

Older children

29 Engaging in penetrative sexual activity with or towards an older child

- (1) If a person (“A”), who has attained the age of 16 years, with any part of A’s body or anything else penetrates sexually to any extent, either intending to do so or reckless as to whether there is penetration, the vagina or anus of a child (“B”) who—
 - (a) has attained the age of 13 years, but
 - (b) has not attained the age of 16 years,then A commits an offence, to be known as the offence of engaging in penetrative sexual activity with or towards an older child.
- (2) Without prejudice to the generality of subsection (1), the reference in that paragraph to penetration with any part of A’s body is to be construed as including a reference to penetration with A’s penis.

Changes to legislation:

Sexual Offences (Scotland) Act 2009, Section 29 is up to date with all changes known to be in force on or before 11 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 39(2)(a)(ia) words inserted by [S.S.I. 2020/339 reg. 14\(a\)](#)
- s. 39(2)(b)(ia) words inserted by [S.S.I. 2020/339 reg. 14\(a\)](#)