



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 4

CHILDREN

Older children

30 Engaging in sexual activity with or towards an older child

- (1) If a person (“A”), who has attained the age of 16 years, does any of the things mentioned in subsection (2), “B” being in each case a child 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 sexual activity with or towards an older child.
- (2) Those things are, that A—
- (a) penetrates sexually, by any means and to any extent, either intending to do so or reckless as to whether there is penetration, the vagina, anus or mouth of B,
 - (b) intentionally or recklessly touches B sexually,
 - (c) engages in any other form of sexual activity in which A, intentionally or recklessly, has physical contact (whether bodily contact or contact by means of an implement and whether or not through clothing) with B,
 - (d) intentionally or recklessly ejaculates semen onto B,
 - (e) intentionally or recklessly emits urine or saliva onto B sexually.
- (3) Without prejudice to the generality of paragraph (a) of subsection (2), the reference in the paragraph to penetration by any means is to be construed as including a reference to penetration with A’s penis.