

Status: Point in time view as at 07/10/2005. This version of this schedule contains provisions that are prospective.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, SCHEDULE 1 is up to date with all changes known to be in force on or before 25 May 2024. 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. (See end of Document for details)

SCHEDULES

SCHEDULE 1

OFFENCES AGAINST CHILDREN UNDER THE AGE OF 17 YEARS TO WHICH SPECIAL PROVISIONS APPLY

- 1 Any offence under Part I of the ^{M1}Criminal Law (Consolidation) (Scotland) Act 1995.

Marginal Citations

M1 1995 c.39.

PROSPECTIVE

- [^{F1}1A Any offence under section 18 (rape of a young child) or 28 (having intercourse with an older child) of the Sexual Offences (Scotland) Act 2009 (asp 9).

Textual Amendments

F1 Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1B Any offence under section 19 (sexual assault on a young child by penetration) or 29 (engaging in penetrative sexual activity with or towards an older child) of that Act.

Textual Amendments

F1 Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1C Any offence under section 20 (sexual assault on a young child) or 30 (engaging in sexual activity with or towards an older child) of that Act.

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Textual Amendments

- F1** Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1D** Any offence under section 42 of that Act (sexual abuse of trust) towards a child under the age of 17 years but only if the condition set out in section 43(6) of that Act is fulfilled.]

Textual Amendments

- F1** Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 2** Any offence under section 12, 15, 22 or 33 of the ^{M2}Children and Young Persons (Scotland) Act 1937.

Marginal Citations

- M2** 1987 c. 41.

- [^{F2}2A Any offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005 where the person mutilated or, as the case may be, proposed to be mutilated, is a child under the age of 17 years.]

Textual Amendments

- F2** Sch. 1 para. 2A inserted (1.9.2005) by [Prohibition of Female Genital Mutilation \(Scotland\) Act 2005 \(asp 8\)](#), ss. 7(1), 8(2)

- 2B** Any offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 in relation to an indecent photograph of a child under the age of 17 years.

- [^{F3}2C Any offence under section 1, 9, 10, 11 or 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 in respect of a child under the age of 17 years.]

Textual Amendments

- F3** Sch. 1 para. 2B, 2C inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), ss. 18, 20(2), [Sch. para. 2](#); S.S.I. 2005/480, [art. 2](#) (with savings in art. 3)

- 3** Any other offence involving bodily injury to a child under the age of 17 years.

- 4** Any offence involving the use of lewd, indecent or libidinous practice or behaviour towards a child under the age of 17 years.

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PROSPECTIVE

[^{F4}4A Any offence under section 5 (coercing a person into being present during a sexual activity), 6 (coercing a person into looking at a sexual image), 7 (communicating indecently etc.), 8 (sexual exposure) or 9 (voyeurism) of the Sexual Offences (Scotland) Act 2009 (asp 9) towards a child under the age of 17 years.

Textual Amendments

F4 Sch. 1 paras. 4A, 4B inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(b\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

4B Any offence under any of sections 21 to 26 or 31 to 37 of that Act (certain sexual offences relating to children).]

Textual Amendments

F4 Sch. 1 paras. 4A, 4B inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(b\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

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