
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 197

The Retention of Samples etc. (Children's Hearings) (Scotland) Order 2011

Relevant sexual offence

2. For the purposes of section 18E of the 1995 Act, the following relevant sexual offences are relevant offences:—

- (a) rape at common law;
- (b) clandestine injury to women;
- (c) abduction of a woman with intent to rape;
- (d) assault with intent to rape or ravish;
- (e) indecent assault;
- (f) lewd, indecent or libidinous behaviour or practices;
- (g) public indecency, if it is apparent from the ground of referral relating to the offence that there was a sexual aspect to the behaviour of the child;
- (h) sodomy;
- (i) any offence which consists of a contravention of any of the following statutory provisions:
 - (i) section 52 of the 1982 Act⁽¹⁾ (taking and distribution of indecent images of children);
 - (ii) section 52A of the 1982 Act⁽²⁾ (possession of indecent images of children);
 - (iii) section 1 of the CLCS Act⁽³⁾ (incest);
 - (iv) section 2 of the CLCS Act (intercourse with step child);
 - (v) section 8 of the CLCS Act⁽⁴⁾ (abduction and unlawful detention of women and girls);
 - (vi) section 1 of the 2009 Act (rape);
 - (vii) section 2 of the 2009 Act (sexual assault by penetration);
 - (viii) section 3 of the 2009 Act (sexual assault);
 - (ix) section 4 of the 2009 Act (sexual coercion);

(1) Section 52 of the Civic Government (Scotland) Act 1982 (c.45) ("the 1982 Act") was amended by the Criminal Justice Act 1988, section 170(1), Schedule 15 paragraph 89, the Criminal Justice and Public Order Act 1994 (c.33) ("the 1994 Act"), section 84, the Criminal Procedure (Consequential Provisions) Act 1995 (c.40), section 5 and Schedule 4, paragraph 44, the Criminal Justice (Scotland) Act 2003 (asp 7) ("the 2003 Act"), section 19(1), the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9), section 16(2) and the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) ("the 2010 Act"), section 41(1) and schedule 7, paragraph 13.

(2) Section 52A of the 1982 Act (c.45) was inserted by the Criminal Justice Act 1988 (c.33), section 161(1) and was amended by the 1994 Act (c.33), section 84(7), the 2003 Act, section 19(1) and the 2010 Act, section 41(1).

(3) Section 1 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c.39) was amended by the Human Fertilisation and Embryology Act 2008 (c.22), Schedule 6, paragraph 55.

(4) Section 8(1) and (2) were repealed by the 2003 Act (asp 7), section 19(2).

- (x) section 5 of the 2009 Act (coercing a person into being present during a sexual activity);
- (xi) section 6 of the 2009 Act (coercing a person into looking at a sexual image);
- (xii) section 7(1) of the 2009 Act (communicating indecently);
- (xiii) section 7(2) of the 2009 Act (causing a person to see or hear an indecent communication);
- (xiv) section 8 of the 2009 Act (sexual exposure);
- (xv) section 9 of the 2009 Act (voyeurism);
- (xvi) section 18 of the 2009 Act (rape of a young child);
- (xvii) section 19 of the 2009 Act (sexual assault on a young child by penetration);
- (xviii) section 20 of the 2009 Act (sexual assault on a young child);
- (xix) section 21 of the 2009 Act (causing a young child to participate in a sexual activity);
- (xx) section 22 of the 2009 Act (causing a young child to be present during a sexual activity);
- (xxi) section 23 of the 2009 Act (causing a young child to look at a sexual image);
- (xxii) section 24(1) of the 2009 Act (communicating indecently with a young child);
- (xxiii) section 24(2) of the 2009 Act (causing a young child to see or hear an indecent communication);
- (xxiv) section 25 of the 2009 Act (sexual exposure to a young child);
- (xxv) section 26 of the 2009 Act (voyeurism towards a young child); and
- (j) any attempt, conspiracy or incitement to commit an offence listed in sub-paragraphs (a) to (i).