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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 339**

**The Criminal Justice (EU Exit) (Scotland)  
(Amendment etc.) Regulations 2020**

**PART 4**

Council Framework Decision 2008/675/JHA on taking account of convictions in the member States of the European Union in the course of new criminal proceedings

**Amendment of the Sexual Offences (Scotland) Act 2009**

**14.** Section 39 of the Sexual Offences (Scotland) Act 2009<sup>(1)</sup> (defences in relation to offences against older children) is amended as follows—

- (a) in subsection (2)(a)(ia) and (b)(ia)<sup>(2)</sup> after “of 16” insert “and the court before which the charge is brought considers it is appropriate for that conviction to have that effect”, and
- (b) in subsection (5)(aa)<sup>(3)</sup> omit “other than the United Kingdom”.

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(1) 2009 asp 9; section 39 was amended by the Criminal Justice and Licensing (Scotland) Act 2010, section 44 and schedule 4, paragraph 13.

(2) Section 39(2)(a)(ia) and (2)(b)(ia) were added by the Criminal Justice and Licensing (Scotland) Act 2010, schedule 4, paragraphs 13(2)(a) and (b).

(3) Section 39(5)(aa) was added by the Criminal Justice and Licensing (Scotland) Act 2010, schedule 4, paragraph 13(3).