

These notes relate to the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) which received Royal Assent on 12 July 2005

PROTECTION OF CHILDREN AND PREVENTION OF SEXUAL OFFENCES (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 10 – Causing or inciting provision by child of sexual services or child pornography

33. **Section 10** makes it an offence for a person (A) intentionally to cause or incite a person under 18 (B) to become a provider of sexual services or to be involved in pornography in any part of the world. This offence is intended to cover situations where someone is, for example, recruiting children into the provision of sexual services or pornography. The expressions “pornography” and “provider of sexual services” are defined in section 13.
34. In cases where B is 13 or over, the Crown must prove that A did not reasonably believe that B was 18 or over. Where B is under 13, the offence is committed regardless of A’s belief as to B’s age. Subsection (2) provides maximum penalties of 6 months imprisonment on summary conviction and 14 years imprisonment on indictment.