



Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

2005 asp 9

Sexual services of children and child pornography

9 Paying for sexual services of a child

- (1) A person (“A”) commits an offence if—
 - (a) A intentionally obtains for himself or herself the sexual services of another person (“B”);
 - (b) before obtaining those services, A—
 - (i) makes or promises payment for those services to B or to a third person; or
 - (ii) knows that another person has made or promised such a payment; and
 - (c) either—
 - (i) B is aged under 18, and A does not reasonably believe that B is aged 18 or over; or
 - (ii) B is aged under 13.
- (2) In subsection (1)(b) above, “payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.
- (3) For the purposes of subsections (1) and (2) above, “sexual services” are—
 - (a) the performance of sexual activity; or
 - (b) the performance of any other activity that a reasonable person would, in all the circumstances, consider to be for the purpose of providing sexual gratification, and a person’s sexual services are obtained where what is obtained is the performance of such an activity by the person.
- (4) A person guilty of an offence under this section in respect of a person aged 16 or over is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.

- (5) A person guilty of an offence under this section in respect of a person aged under 16 is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.