

*These notes relate to the Sexual Offences (Scotland) Act  
2009 (asp 9) which received Royal Assent on 14 July 2009*

# **SEXUAL OFFENCES (SCOTLAND) ACT 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4 – Children**

#### **Young Children**

#### ***Section 18 – Rape of a young child***

55. This section creates the statutory offence of “rape of a young child”. It provides that a person will commit this offence by intentionally or recklessly penetrating, with their penis, the vagina, anus or mouth of a young child. There is no reference to consent of the victim in this section. An offence will be committed irrespective of whether a young child apparently ‘consented’ to the penetration.