

SEXUAL OFFENCES (SCOTLAND) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Penalties

Section 48 – Penalties

147. Subsection (1) introduces schedule 2, which sets out the maximum penalties which may be imposed for each of the offences created by the Bill. For those offences which may be tried under either summary or solemn procedure the maximum penalties are as specified in the third and fourth column of schedule 2 respectively. Four offences, rape, sexual assault by penetration, rape of a young child and sexual assault on a young child by penetration, may only be tried under solemn procedure.
148. Subsection (2) provides that where a person is convicted on indictment of rape, sexual assault by penetration, rape of a young child or sexual assault on a young child by penetration, a fine cannot be imposed as a sole penalty.
149. Subsection (3) provides that a fine may be imposed as a sole penalty on a body corporate, a Scottish partnership or an other unincorporated association when convicted of an offence under subsection (2) for which a fine could not otherwise be imposed as a sole penalty.