
Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Paragraph 5. (See end of Document for details)

SCHEDULE 5
MINOR AND CONSEQUENTIAL AMENDMENTS

The Sexual Offences Act 2003 (c. 42)

- 5 In Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of Part 2 of that Act)—
- (a) in paragraph 36, at the end there is added “ at common law ”,
 - (b) after paragraph 41, there is inserted—
 - “41A Public indecency if—
 - (a) a person (other than the offender) involved in the offence was under 18, and
 - (b) the court determines that there was a significant sexual aspect to the offender's behaviour in committing the offence.”,
 - (c) after paragraph 59C there is inserted—
 - “59D An offence under section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9) (rape).
 - 59E An offence under section 2 of that Act (sexual assault by penetration).
 - 59F An offence under section 3 of that Act (sexual assault).
 - 59G An offence under section 4 of that Act (sexual coercion).
 - 59H An offence under section 5 of that Act (coercing a person into being present during a sexual activity).
 - 59I An offence under section 6 of that Act (coercing a person into looking at a sexual image).
 - 59J An offence under section 7(1) of that Act (communicating indecently).
 - 59K An offence under section 7(2) of that Act (causing a person to see or hear an indecent communication).
 - 59L An offence under section 8 of that Act (sexual exposure) if—
 - (a) the offender, in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital, or
 - (b) the offender was 18 or over and the victim was under 18.
 - 59M An offence under section 9 of that Act (voyeurism).
 - 59N An offence under section 11 of that Act (administering a substance for sexual purposes).
 - 59O An offence under section 18 of that Act (rape of a young child).
 - 59P An offence under section 19 of that Act (sexual assault on a young child by penetration).
 - 59Q An offence under section 20 of that Act (sexual assault on a young child).

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- 59R An offence under section 21 of that Act (causing a young child to participate in a sexual activity).
- 59S An offence under section 22 of that Act (causing a young child to be present during a sexual activity).
- 59T An offence under section 23 of that Act (causing a young child to look at a sexual image).
- 59U An offence under section 24(1) of that Act (communicating indecently with a young child).
- 59V An offence under section 24(2) of that Act (causing a young child to see or hear an indecent communication).
- 59W An offence under section 25 of that Act (sexual exposure to a young child).
- 59X An offence under section 26 of that Act (voyeurism towards a young child).
- 59Y An offence under section 28 of that Act (having intercourse with an older child) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59Z An offence under section 29 of that Act (engaging in penetrative sexual activity with or towards an older child) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZA An offence under section 30 of that Act (engaging in sexual activity with or towards an older child) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZB An offence under section 31 of that Act (causing an older child to participate in a sexual activity) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZC An offence under section 32 of that Act (causing an older child to be present during a sexual activity) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or

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- (ii) admitted to a hospital.
- 59ZD An offence under section 33 of that Act (causing an older child to look at a sexual image) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZE An offence under section 34(1) of that Act (communicating indecently with an older child) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZF An offence under section 34(2) of that Act (causing an older child to see or hear an indecent communication) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZG An offence under section 35 of that Act (sexual exposure to an older child) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZH An offence under section 36 of that Act (voyeurism towards an older child) if the offender—
 - (a) was 18 or over, or
 - (b) in respect of the offence, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) admitted to a hospital.
- 59ZI An offence under section 37(1) of that Act (engaging while an older child in sexual conduct with or towards another older child) if, in respect of the offence, the offender is or has been—
 - (a) sentenced to a term of imprisonment, or
 - (b) admitted to a hospital.
- 59ZJ An offence under section 37(4) of that Act (engaging while an older child in consensual sexual conduct with another older child) if, in respect of the offence, the offender is or has been—
 - (a) sentenced to a term of imprisonment, or
 - (b) admitted to a hospital.
- 59ZK An offence under section 42 of that Act (sexual abuse of trust) where (either or both)—
 - (a) the offender is 20 or over,

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- (b) the condition set out in section 43(6) of that Act is fulfilled.
- 59ZL An offence under section 46 of that Act (sexual abuse of trust of a mentally disordered person).”, and
- (d) in paragraph 60, for the words “59C” there is substituted “ 59ZL ”.

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