



# Sexual Offences (Scotland) Act 2009

## 2009 asp 9

### PART 4

#### CHILDREN

##### *Older children*

#### **29 Engaging in penetrative sexual activity with or towards an older child**

- (1) If a person (“A”), who has attained the age of 16 years, with any part of A’s body or anything else penetrates sexually to any extent, either intending to do so or reckless as to whether there is penetration, the vagina or anus of a child (“B”) who—
  - (a) has attained the age of 13 years, but
  - (b) has not attained the age of 16 years,then A commits an offence, to be known as the offence of engaging in penetrative sexual activity with or towards an older child.
- (2) Without prejudice to the generality of subsection (1), the reference in that paragraph to penetration with any part of A’s body is to be construed as including a reference to penetration with A’s penis.