

LEGISLATION

Part 4 of the [Sexual Offences \(Scotland\) Act 2009](#) provides for offences criminalising sexual activity with a child under the age of 16. The Act maintains the age of consent at 16. It provides that sexual activity of any kind between adults and children under the age of 16 is unlawful. Separate 'protective' offences are provided for in respect of sexual activity with young children (under the age of 13) and older children (from age 13 to age 15). It further provides that sexual intercourse and oral sex between under-16s remains unlawful.

Part 5 of the Act provides for offences concerning sexual abuse of trust. The Act provides that it shall be an offence for a person in a position of trust over a child under the age of 18 or a person with a mental disorder to engage in sexual activity with that child or person

[The Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#) provides for an offence of 'grooming' which makes it an offence for a person to meet or travel to meet children for the purposes of committing a sexual offence following earlier communications and for specific offences concerning the sexual exploitation of children under the age of 18 through prostitution or pornography. It introduces Risk of Sexual Harm Orders, a new civil order aimed at protecting children from those who display inappropriate sexual behaviour towards them and extends the use of Sexual Offence Prevention Orders, so that they can be applied to those convicted of sex offences by the court when they are sentenced. [Guidance](#) on the Act has been published to assist practitioners and can be found by following the link:

<http://www.scotland.gov.uk/Publications/2006/11/17153941/0>

Child Abuse Images -The sale, publication and possession of indecent images of children under the age of 18 is prohibited by [Section 52](#) and [Section 52A](#) of the [Civic Government \(Scotland\) Act 1982](#) (as amended by [the Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#)