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**Changes to legislation:** Protection of Vulnerable Groups (Scotland) Act 2007, SCHEDULE 1 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 1 **S**

(introduced by section 32)

### RELEVANT OFFENCES

- 1 An offence falls within this paragraph if it is—
- (a) an offence under section 12 (cruelty to children under 16) of the Children and Young Persons (Scotland) Act 1937 (c. 37),
  - (b) an offence under section 15 (causing or allowing children under 16 to be used for begging or procuring alms) of that Act,
  - (c) an offence under section 22 (exposing a child under 7 to risk of burning) of that Act,
  - (d) an offence under section 33 (causing or allowing children under 17 to participate in performances which endanger life or limb) of that Act,
  - (e) an offence under section 52 (taking, distributing, showing, or publishing etc. any indecent photograph or pseudo-photograph of a child) of the Civic Government (Scotland) Act 1982 (c. 45),
  - (f) an offence under section 52A (possessing any indecent photograph or pseudo-photograph of a child) of that Act,
  - <sup>F1</sup>(g) .....
  - (h) an offence under section 3 (intercourse of person in position of trust with child under 16) of [<sup>F2</sup>the Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)],
  - <sup>F3</sup>(i) an offence under section 5(2) (attempt to have intercourse with a girl under 13) of that Act,
    - (ia) an offence under section 5(3) (intercourse or attempt to have intercourse with a girl of over 13 and under 16) of that Act, ]
    - (j) an offence under section 6 (indecent behaviour towards girl between 12 and 16) of that Act,
    - (k) an offence under section 8 (abduction and unlawful detention of unmarried girl under 18) of that Act,
    - (l) an offence under section 9 (permitting girl under 16 to use premises for intercourse) of that Act,
    - (m) an offence under section 10 (causing or encouraging the seduction of, the prostitution of, unlawful intercourse with or the commission of an indecent assault on a girl under 16) of that Act,
    - (n) an offence under section 12 (allowing child who is 4 or over but under 16 to be in a brothel) of that Act,
    - (o) an offence under section 13(5)(c) (homosexual acts with a boy under 16) of that Act,
    - (p) an offence under section 3 (sexual activity of person in position of trust with child) of the Sexual Offences (Amendment) Act 2000 (c. 44),
    - (q) an offence under section 1 (meeting a child following certain preliminary contact) of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9),
    - <sup>F4</sup>(r) .....
    - (s) an offence under section 9 (paying for sexual services of a child) of that Act,
    - (t) an offence under section 10 (causing or inciting provision by child of sexual services or child pornography) of that Act,

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- (u) an offence under section 11 (controlling a child providing sexual services or involved in pornography) of that Act,
- (v) an offence under section 12 (arranging or facilitating provision by child of sexual services or child pornography) of that Act.
- [<sup>F5</sup>(w) an offence under section 20(1) and (2)(a) (sexual assault on a young child (under 13) by penetration of the vagina, anus or mouth by any means) of the Sexual Offences (Scotland) Act 2009 (asp 9) where the conviction is in summary proceedings,
- (x) an offence under section 20(1) and (2)(b) to (e) (sexual assault on a young child) of that Act,
- (y) an offence under section 21 (causing a young child to participate in a sexual activity) of that Act,
- (z) an offence under section 22 (causing a young child to be present during a sexual activity) of that Act,
- (za) an offence under section 23 (causing a young child to look at a sexual image) of that Act,
- (zb) an offence under section 24 (communicating indecently with a young child etc. ) of that Act,
- (zc) an offence under section 25 (sexual exposure to a young child) of that Act,
- (zd) an offence under section 26 (voyeurism towards a young child) of that Act,
- (ze) an offence under section 28 (having intercourse with an older child) of that Act,
- (zf) an offence under section 29 (engaging in penetrative sexual activity with or towards an older child) of that Act,
- (zg) an offence under section 30 (engaging in sexual activity with or towards an older child) of that Act,
- (zh) an offence under section 31 (causing an older child to participate in a sexual activity) of that Act,
- (zi) an offence under section 32 (causing an older child to be present during a sexual activity) of that Act,
- (zj) an offence under section 33 (causing an older child to look at a sexual image) of that Act,
- (zk) an offence under section 34 (communicating indecently with an older child etc. ) of that Act,
- (zl) an offence under section 35 (sexual exposure to an older child) of that Act,
- (zm) an offence under section 36 (voyeurism towards an older child) of that Act,
- (zn) an offence under section 42 (sexual abuse of trust) of that Act,
- (zo) an offence in respect of attempting or conspiring to commit any offence referred to in this paragraph,
- (zp) an offence in respect of aiding and abetting, inciting, counselling or procuring any offence referred to in this paragraph,
- (zq) an offence in respect of attempting or conspiring to commit any offence listed in paragraphs 9, 10 or 11 of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010,
- (zr) an offence in respect of aiding and abetting, inciting, counselling or procuring any offence listed in paragraphs 9, 10 or 11 of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010,

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- [ an offence under section 34 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,<sup>F6</sup>(zra)
- (zrb) an offence under section 37 of that Act in respect of a breach of—
- (i) a sexual risk order made under section 122A of the Sexual Offences Act 2003,
  - (ii) an interim sexual risk order made under section 122E of the Sexual Offences Act 2003,
  - (iii) a risk of sexual harm order made under section 123 of the Sexual Offences Act 2003, or
  - (iv) an interim risk of sexual harm order made under section 126 of the Sexual Offences Act 2003,]

(zs) an offence which—

    - (i) is similar in nature to an offence referred to in this paragraph, and
    - (ii) was provided for in an enactment which is no longer in force or was an offence at common law which has been abolished by an enactment.]

#### Textual Amendments

- F1** Sch. 1 para. 1(g) omitted (28.2.2011 coming into force in accordance with art. 1) by virtue of [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, [3](#)
- F2** Words in Sch. 1 para. 1(h) substituted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, [4](#)
- F3** Sch. 1 para. 1(i)(ia) substituted for Sch. 1 para. 1(i) (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, [5](#)
- F4** Sch. 1 para. 1(r) repealed (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016 \(asp 22\)](#), s. 45(2)(3), [sch. 2 para. 5\(a\)](#) (with s. 44); S.S.I. 2023/51, [reg. 2](#) (with regs. 3, 4(4))
- F5** Sch. 1 para. 1(w)(zs) inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, [6](#)
- F6** Sch.1 para. 1 (zra)(zrb) inserted (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016 \(asp 22\)](#), s. 45(2)(3), [sch. 2 para. 5\(b\)](#) (with s. 44); S.S.I. 2023/51, [reg. 2](#) (with regs. 3, 4(4))

#### Commencement Information

- I1** Sch. 1 para. 1 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

- 2 An individual falls within this paragraph if the individual—
- [<sup>F7</sup>(za) commits an offence of culpable homicide in relation to a child,]
- (a) commits an offence under section 4(3) (offering or supplying controlled drugs) of the Misuse of Drugs Act 1971 (c. 38) in relation to a child,
- [<sup>F8</sup>(aa) commits an offence under section 170 (penalty for fraudulent evasion of duty etc.) of the Customs and Excise Management Act 1979 (c.2) in relation to goods prohibited to be imported under section 42 (indecent or obscene articles) of the Customs Consolidation Act 1876 (c.36), if the prohibited goods included indecent photographs of persons under 16,]

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- (b) commits an offence under section 1 (incest) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) by having sexual intercourse with a child,
- [<sup>F9</sup>(ba) commits an offence under section 2 (intercourse with a step-child) of that Act in relation to a child,]
- (c) commits an offence under section 7 (procuring unlawful intercourse etc.) of that Act in relation to a child,
- (d) commits an offence under section 11 (trading in prostitution and brothel-keeping) of that Act in relation to a child,
- (e) commits an offence under section 13(6) (procuring commission of homosexual act between males) of that Act by procuring, or attempting to procure, a child to commit a homosexual act,
- [<sup>F10</sup>(ea) commits an offence under section 83 (offence of ill treatment and wilful neglect) of the [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#) in relation to a child,
- (eb) commits an offence under section 311(1) and (2)(a) (non-consensual sexual acts) of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#) in relation to a child where the conviction is in summary proceedings,
- (ec) commits an offence under section 311(1) and 2(b) (non-consensual sexual acts) of that Act in relation to a child,
- (ed) commits an offence under section 313 (persons providing core services: sexual offences) of that Act in relation to a child,
- (ee) commits an offence under section 315 (ill treatment and wilful neglect of mentally disordered person) of that Act in relation to a child,
- (ef) commits an offence under section 4 (trafficking people for exploitation) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19) in relation to a child,
- (eg) commits an offence under section 1 (offence of female genital mutilation) of the [Prohibition of Female Genital Mutilation \(Scotland\) Act 2005 \(asp 8\)](#) in relation to a child,
- (eh) commits an offence under section 3 (aiding and abetting female genital mutilation) of that Act in relation to a child,
- (ei) commits an offence under section 3(1) and 2(a) (sexual assault by penetration of the vagina, anus or mouth by any means) of the [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#) in relation to a child where the conviction is in summary proceedings,
- (ej) commits an offence under section 3(1) and (2)(b) to (e) (sexual assault) of that Act in relation to a child,
- (ek) commits an offence under section 4 (sexual coercion) of that Act in relation to a child,
- (el) commits an offence under section 5 (coercing a person into being present during a sexual activity) of that Act in relation to a child,
- (em) commits an offence under section 6 (coercing a person into looking at a sexual image) of that Act in relation to a child,
- (en) commits an offence under section 7 (communicating indecently etc.) of that Act in relation to a child,
- (eo) commits an offence under section 8 (sexual exposure) of that Act in relation to a child,

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- (ep) commits an offence under section 9 (voyeurism) of that Act in relation to a child,
- (eq) commits an offence under section 11 (administering a substance for sexual purposes) of that Act in relation to a child,
- (er) commits an offence under section 46 (sexual abuse of trust of a mentally disordered person) of that Act in relation to a child.]
- (f) commits any other offence which caused, or was intended to cause, bodily injury to a child,
- (g) commits any other offence by engaging in lewd, indecent or libidinous practice or behaviour towards a child.
- [<sup>F11</sup>(h) commits an offence in respect of attempting or conspiring to commit any offence referred to in this paragraph,
- (i) commits an offence in respect of aiding and abetting, inciting, counselling or procuring any offence referred to in this paragraph, other than an offence referred to in sub-paragraph (eh),
- (j) commits an offence in respect of attempting or conspiring to commit any offence listed in paragraphs 1, 2, 3, 5, 6, 7 or 8 of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010 in relation to a child,
- (k) commits an offence in respect of aiding and abetting, inciting, counselling or procuring any offence listed in paragraphs 1, 2, 3, 5, 6, 7 or 8 of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010 in relation to a child,
- (l) commits an offence in relation to a child which—
  - (i) is similar in nature to an offence referred to in this paragraph, and
  - (ii) was provided for in an enactment which is no longer in force or was an offence at common law which has been abolished by an enactment.]

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#### Textual Amendments

- F7** Sch. 1 para. 2(za) inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, **7**
- F8** Sch. 1 para. 2(aa) inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, **8**
- F9** Sch. 1 para. 2(ba) inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, **9**
- F10** Sch. 1 para. 2(ea)(er) inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, **10**
- F11** Sch. 1 para. 2(h)(l) inserted (28.2.2011 coming into force in accordance with art. 1) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Relevant Offences\) \(Modification\) Order 2010 \(S.S.I. 2010/246\)](#), arts. 1, **11**

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#### Modifications etc. (not altering text)

- C1** Sch. 1 para. 2 modified (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 16 para. 8**; [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

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#### Commencement Information

**I2** Sch. 1 para. 2 in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(a)**

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**Changes and effects yet to be applied to :**

- sch. 1 repealed by [2020 asp 13 s. 81\(2\)\(d\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6A inserted by [2020 asp 13 s. 80\(2\)](#)
- s. 8(3)(za) inserted by [2020 asp 13 s. 82\(3\)](#)
- s. 10(1)(aa) inserted by [2020 asp 13 s. 80\(3\)](#)
- s. 13A-13C inserted by [2020 asp 13 s. 76\(2\)](#)
- s. 18(5) inserted by [2020 asp 13 sch. 5 para. 5\(2\)\(b\)](#)
- s. 30(3A)-(3C) inserted by [2020 asp 13 s. 77\(3\)](#)
- s. 45A inserted by [2020 asp 13 s. 71](#)
- s. 45B inserted by [2020 asp 13 s. 72](#)
- s. 45C-45G inserted by [2020 asp 13 s. 73\(2\)](#)
- s. 45H inserted by [2020 asp 13 s. 88\(3\)](#)
- s. 46A inserted by [2020 asp 13 s. 79](#)
- s. 49(3) inserted by [2020 asp 13 sch. 5 para. 5\(3\)\(c\)](#)
- s. 70(2)(d) inserted by [2020 asp 13 sch. 5 para. 10\(41\)\(b\)](#)
- s. 77(1A) inserted by [2020 asp 13 sch. 5 para. 10\(46\)\(b\)](#)
- s. 94(2A)(2B) inserted by [2020 asp 13 s. 75\(3\)](#)