

Status: Point in time view as at 01/07/2022.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Paragraph 2 is up to date with all changes known to be in force on or before 08 July 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)

SCHEDULE 1 RELEVANT OFFENCES

- 2 An individual falls within this paragraph if the individual—
- [^{F1}(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,
 - [^{F2}(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,]
 - (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,
 - [^{F3}(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,
 - [^{F4}(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,

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- (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,
- (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.
- [^{F5}(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.]

Textual Amendments

- F1** 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
- F2** 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
- F3** 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

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F4 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**

F5 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**

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)

Commencement Information

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

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