



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 2

### CRIMINAL LAW

#### *Sexual offences*

#### **40 Certain sexual offences by non-natural persons**

- (1) The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) is amended as follows.
- (2) At the end of each of the following provisions insert “ or a fine or both ”
  - (a) subsections (4)(b) and (5)(b) of section 9 (paying for sexual services of a child),
  - (b) subsection (2)(b) of section 10 (causing or inciting provision by child of sexual services or child pornography),
  - (c) subsection (2)(b) of section 11 (controlling a child providing sexual services or involved in pornography), and
  - (d) subsection (2)(b) of section 12 (arranging or facilitating provision by child of sexual services or child pornography).
- (3) After section 14 insert—

#### **“14A Offences by bodies corporate etc.**

- (1) Subsection (2) applies where an offence under sections 10 to 12 committed—
  - (a) by a body corporate, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is a director, manager, secretary or other similar officer of the body corporate, or
    - (ii) purports to act in any such capacity,

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 40. (See end of Document for details)

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- (b) by a Scottish partnership, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is a partner, or
    - (ii) purports to act in that capacity,
  - (c) by an unincorporated association other than a Scottish partnership, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is concerned in the management or control of the association, or
    - (ii) purports to act in the capacity of a person so concerned.
- (2) The individual (as well as the body corporate, Scottish partnership or, as the case may be, unincorporated association) commits the offence and is liable to be proceeded against and punished accordingly.
- (3) Where the affairs of a body corporate are managed by its members, this section applies in relation to acts and defaults of a member in connection with the member's function of management as if the member were a director of the body corporate.”

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**Commencement Information**

**II** S. 40 in force at 13.12.2010 by S.S.I. 2010/413, art. 2, Sch. (with art. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 40.