

National Objectives for Social Work Services in the Criminal Justice System: Standards - Throughcare

APPENDIX TO CHAPTER 11: OFFENCES WITHIN THE AMBIT OF SCHEDULE 1 OF THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

1. Any Offence under Part I of the Criminal Law (Consolidation)(Scotland) Act 1995

Procuring (unlawful sexual intercourse or for the purpose of prostitution (section 7(1)).

Procuring by threats etc. (section 7(2),(3)).

Incest (section 1).

Intercourse with step-child (section 2).

Intercourse of person in position of trust with child under 16 (section 3).

Unlawful sexual intercourse (or attempted intercourse) with a girl under the age of 16 years (section 5).

Indecent behaviour towards a girl aged between 12 years and 16 years (section 6).

Abduction of girl, or unlawful detention with intent to have sexual intercourse (section 8).

Permitting a girl under the age of (a) 13 and (b) 16 to use premises for sexual intercourse (section 9).

Causing or encouraging the seduction or prostitution etc., of a girl under the age of 16 years (section 10).

Allowing a child (aged between 4 years and 15 years) to be in a brothel (section 12).

Procuring, or being a party to the commission of a homosexual act in certain circumstances (section 13).*

*Action to implement specific procedures in respect of offences under this section must only be taken where the victim is aged under 16 years.

2. Any offence under sections 12, 15, 22 or 33 of the Children and Young Persons (Scotland) Act 1937 (as amended by the Sexual Offences (Scotland) Act 1976).

Cruelty to a child or young person under the age of 16 years (section 12)

Causing or allowing persons under 16 years of age to be used for begging (section 15).

Exposing children under 7 years of age to risk of burning or scalding (section 22)

Prohibition of persons under 16 years of age taking part in performances endangering life or limb (section 33).

3. Any other offence involving bodily injury to a child under the age of 17 years.

4. Any offence involving the use of lewd, indecent or libidinous practices or behaviour towards a child under the age of 17 years.

In addition section 52 of the Civic Government (Scotland) Act 1982 provides that references to Schedule 1 offences in the Social Work (Scotland) Act 1968 are to include the offences the 1982 Act creates in relation to the taking, distribution, possession or publication of indecent photographs of children under the age of 16 years.

DEFINITIONS: with reference to paragraph 318

"**Child**" means a person of various ages (according to the relevant offence) under the age of 16 except in 3 specific cases. These are:-

Abduction (or unlawful detention) of girl with intent to have sexual intercourse; this clause refers to girls up to **18 years**.

Any other offence involving bodily injury to a child under the age of **17 years**.

Any offence involving the use of lewd, indecent or libidinous practices or behaviour towards a child under the age of **17 years**.

For the purposes of this guidance all victims of these 3 offences are included in the definition of "child". However, for no other offence does the definition of "child" extend beyond 16 years.