

## 3.5.2 The age of consent: Information

In the law it talks about the 'age of consent'. This means the age someone needs to be before they can agree to have sex.

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1. The age of consent in Scotland for young men and women is 16.
  2. The age of consent is the same for everyone – so if you are straight, lesbian, gay, bisexual or transgender.
  3. Most people wait until they are 16 or older to have sex.
  4. If you're both over 16, and both want to have sex, then it's legal.
  5. If you are both aged 13, 14 or 15 and having sex, then you or your partner, or both of you might be at risk of breaking the law.
  6. If one of you is 13, 14 or 15 years old and one of you is 16 or over, and you have sex, then the older person is breaking the law.
  7. If you are under the age of 13, the law says you are too young to give consent to any kind of sexual activity at all, like sexual touching or oral sex or vaginal sex or anal sex.
  8. It is very unusual for young people (age 13, 14 or 15) to be prosecuted if both young people are happy and one person is not forcing the other to have sex.
  9. If you are 13, 14 or 15 and you speak to a professional person about having sex with your boyfriend/girlfriend then they need to be sure you are safe with this person.
  10. If you are under 16 and you are having sex with someone much older than you a professional person will be concerned about your safety. If there is a concern about your safety, the person you speak to may have to share information in order to protect you, but they will always speak to you about this first unless it is absolutely necessary to share the information urgently to protect you from harm.
  11. It is always wrong and against the law to force someone to have sex, no matter what age you or they are.
  12. To help protect young people, it is an offence for someone aged 18 or over, to engage in sexual activity with someone aged 16 or 17 if the older person is in a position of trust. A position of trust is someone who looks after you for example, in a school or a care home.
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If you are 13, 14 or 15 and thinking about having sex or having sex you might be worried about the law. If you are, don't think that a professional person will be forced to report you to the police – they won't be. Usually they will want to give you health advice and support you. The professional person needs to make sure you are safe and happy with the situation. Sexual health clinics have experience working with young people and they believe that you should get a confidential service. You can always contact Childline who provide a lot of confidential information and support to young people your age.