



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 1

RAPE ETC.

Sexual assault and other sexual offences

7 **Communicating indecently etc.**

- (1) If a person (“A”), intentionally and for a purpose mentioned in subsection (3), sends, by whatever means, a sexual written communication to or directs, by whatever means, a sexual verbal communication at, another person (“B”)—
- (a) without B consenting to its being so sent or directed, and
 - (b) without any reasonable belief that B consents to its being so sent or directed,
- then A commits an offence, to be known as the offence of communicating indecently.
- (2) If, in circumstances other than are as mentioned in subsection (1), a person (“A”), intentionally and for a purpose mentioned in subsection (3), causes another person (“B”) to see or hear, by whatever means, a sexual written communication or sexual verbal communication—
- (a) without B consenting to seeing or as the case may be hearing it, and
 - (b) without any reasonable belief that B consents to seeing or as the case may be hearing it,
- then A commits an offence, to be known as the offence of causing a person to see or hear an indecent communication.
- (3) The purposes are—
- (a) obtaining sexual gratification,
 - (b) humiliating, distressing or alarming B.
- (4) In this section—
- “written communication” means a communication in whatever written form, and without prejudice to that generality includes a communication which comprises writings of a person other than A (as for example a passage in a book or magazine), and

Status: This is the original version (as it was originally enacted).

“verbal communication” means a communication in whatever verbal form, and without prejudice to that generality includes—

- (a) a communication which comprises sounds of sexual activity (whether actual or simulated), and
- (b) a communication by means of sign language.