



# 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

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*Status: This is the original version (as it was originally enacted).*

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“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.