



# Sexual Offences (Scotland) Act 2009

## 2009 asp 9

### PART 1

#### RAPE ETC.

##### *Sexual assault and other sexual offences*

#### **5 Coercing a person into being present during a sexual activity**

- (1) If a person (“A”)—
- (a) without another person (“B”) consenting, and
  - (b) without any reasonable belief that B consents,
- either intentionally engages in a sexual activity and for a purpose mentioned in subsection (2) does so in the presence of B or intentionally and for a purpose mentioned in that subsection causes B to be present while a third person engages in such an activity, then A commits an offence, to be known as the offence of coercing a person into being present during a sexual activity.
- (2) The purposes are—
- (a) obtaining sexual gratification,
  - (b) humiliating, distressing or alarming B.
- (3) Without prejudice to the generality of subsection (1), the reference in that subsection—
- (a) to A engaging in a sexual activity in the presence of B, includes a reference to A engaging in it in a place in which A can be observed by B other than by B looking at an image, and
  - (b) to B being present while a third person engages in such an activity, includes a reference to B being in a place from which the third person can be so observed by B.

**Changes to legislation:**

There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 5.