



# Sexual Offences (Scotland) Act 2009

## 2009 asp 9

### PART 1

#### RAPE ETC.

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

#### 10 Interpretation of section 9

- (1) For the purposes of section 9, a person is doing a private act if the person is in a place which in the circumstances would reasonably be expected to provide privacy, and—
  - (a) the person's genitals, buttocks or breasts are exposed or covered only with underwear,
  - (b) the person is using a lavatory, or
  - (c) the person is doing a sexual act that is not of a kind ordinarily done in public.
- (2) For the purposes of section 9(3) [<sup>F1</sup>and (4A)], operating equipment includes enabling or securing its activation by another person without that person's knowledge.
- (3) In section 9(5), “structure” includes a tent, vehicle or vessel or other temporary or movable structure.

#### Textual Amendments

- F1** Words in s. 10(2) inserted (1.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 43(3), 206; S.S.I. 2010/357, art. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 10.