



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 4

CHILDREN

Young children

26 Voyeurism towards a young child

- (1) If a person (“A”) does any of the things mentioned in subsections (2) to (5) in relation to a child (“B”) who has not attained the age of 13 years, then A commits an offence, to be known as the offence of voyeurism towards a young child.
 - (2) The first thing is that A, for a purpose mentioned in subsection (6), observes B doing a private act.
 - (3) The second thing is that A operates equipment with the intention of enabling A or another person (“C”), for a purpose mentioned in subsection (7), to observe B doing a private act.
 - (4) The third thing is that A records B doing a private act with the intention that A or another person (“C”), for a purpose mentioned in subsection (7), will look at an image of B doing the act.
- [^{F1}(4A) The fourth thing is that A operates equipment beneath B's clothing with the intention of enabling A or another person (“C”), for a purpose mentioned in subsection (7), to observe—
- (a) B's genitals or buttocks (whether exposed or covered with underwear), or
 - (b) the underwear covering B's genitals or buttocks,
- in circumstances where the genitals, buttocks or underwear would not otherwise be visible.
- (4B) The fifth thing is that A records an image beneath B's clothing of—
- (a) B's genitals or buttocks (whether exposed or covered with underwear), or
 - (b) the underwear covering B's genitals or buttocks,

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 26. (See end of Document for details)

in circumstances where the genitals, buttocks or underwear would not otherwise be visible, with the intention that A or another person (“C”), for a purpose mentioned in subsection (7), will look at the image.]

- (5) The [^{F2}sixth] thing is that A—
- (a) installs equipment, or
 - [^{F3}(b) constructs or adapts a structure or part of a structure, with the intention of enabling A or another person to do an act referred to in subsection (2), (3), (4), (4A) or (4B).]
- (6) The purposes referred to in subsection (2) are—
- (a) obtaining sexual gratification,
 - (b) humiliating, distressing or alarming B.
- (7) The purposes referred to in subsections (3) [^{F4}, (4), (4A) and (4B)] are—
- (a) obtaining sexual gratification (whether for A or C),
 - (b) humiliating, distressing or alarming B.
- (8) Section 10 applies for the purposes of this section as it applies for the purposes of section 9 (the references in that section to section 9(3) [^{F5}, (4A)] and (5) being construed as references to subsections (3) [^{F6}, (4A)] and (5) of this section).

Textual Amendments

- F1** S. 26(4A)(4B) inserted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(4)(a), 206; S.S.I. 2010/357, art. 2(b)
- F2** Word in s. 26(5) substituted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(4)(b)(i), 206; S.S.I. 2010/357, art. 2(b)
- F3** S. 26(5)(b) substituted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(4)(b)(ii), 206; S.S.I. 2010/357, art. 2(b)
- F4** Words in s. 26(7) substituted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(4)(c), 206; S.S.I. 2010/357, art. 2(b)
- F5** Word in s. 26(8) inserted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(4)(d), 206; S.S.I. 2010/357, art. 2(b)
- F6** Word in s. 26(8) inserted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(4)(d), 206; S.S.I. 2010/357, art. 2(b)

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