



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 4

CHILDREN

Older children

36 Voyeurism towards an older child

- (1) If a person (“A”), who has attained the age of 16 years, does any of the things mentioned in subsections (2) to (5) in relation to a child (“B”) who—
 - (a) has attained the age of 13 years, but
 - (b) has not attained the age of 16 years,then A commits an offence, to be known as the offence of voyeurism towards an older 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.
- (5) The fourth thing is that A—
 - (a) installs equipment, or
 - (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) or (4).
- (6) The purposes referred to in subsection (2) are—
 - (a) obtaining sexual gratification,
 - (b) humiliating, distressing or alarming B.

Status: This is the original version (as it was originally enacted).

- (7) The purposes referred to in subsections (3) and (4) 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) and (5) being construed as references to subsections (3) and (5) of this section).