



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 1

RAPE ETC.

Sexual assault and other sexual offences

9 Voyeurism

- (1) A person (“A”) commits an offence, to be known as the offence of voyeurism, if A does any of the things mentioned in subsections (2) to (5).
- (2) The first thing is that A—
 - (a) without another person (“B”) consenting, and
 - (b) without any reasonable belief that B consents,for a purpose mentioned in subsection (6) observes B doing a private act.
- (3) The second thing is that A—
 - (a) without another person (“B”) consenting, and
 - (b) without any reasonable belief that B consents,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—
 - (a) without another person (“B”) consenting, and
 - (b) without any reasonable belief that B consents,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—
 - (a) without another person (“B”) consenting, and
 - (b) without any reasonable belief that B consents,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 B's genitals or buttocks (whether exposed or covered with underwear) or the underwear covering B's

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 9. (See end of Document for details)

genitals or buttocks, in circumstances where the genitals, buttocks or underwear would not otherwise be visible.

(4B) The fifth thing is that A—

- (a) without another person (“B”) consenting, and
- (b) without any reasonable belief that B consents,

records an image beneath B's clothing of B's genitals or buttocks (whether exposed or covered with underwear) or the underwear covering B's genitals or buttocks, 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.

Textual Amendments

- F1** S. 9(4A)(4B) inserted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(2)(a), 206; S.S.I. 2010/357, art. 2(b)
- F2** Word in s. 9(5) substituted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(2)(b)(i), 206; S.S.I. 2010/357, art. 2(b)
- F3** S. 9(5)(b) substituted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(2)(b)(ii), 206; S.S.I. 2010/357, art. 2(b)
- F4** Words in s. 9(7) substituted (1.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 43(2)(c), 206; S.S.I. 2010/357, art. 2(b)

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