



# Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

## PART 1

### ABUSIVE BEHAVIOUR

#### *Disclosure of an intimate photograph or film*

### 3 Interpretation of section 2

- (1) For the purposes of section 2, a person is in an “intimate situation” if—
- (a) the person is engaging or participating in, or present during, an act which—
    - (i) a reasonable person would consider to be a sexual act, and
    - (ii) is not of a kind ordinarily done in public, or
  - (b) the person's genitals, buttocks or breasts are exposed or covered only with underwear.

- (2) In section 2—

“film” means a moving image in any form, whether or not the image has been altered in any way, that was originally captured by making a recording, on any medium, from which a moving image may be produced, and includes a copy of the image,

“photograph” means a still image in any form, whether or not the image has been altered in any way, that was originally captured by photography, and includes a copy of the image.

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#### Commencement Information

II S. 3 in force at 3.7.2017 by [S.S.I. 2017/183](#), [reg. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 3.