



Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

2005 asp 9

Risk of sexual harm orders

3 Interpretation of section 2

For the purposes of section 2 above—

- (a) the references in that section to protecting children generally or any child from harm from a person are references to protecting them or it from physical or psychological harm caused by that person doing any of the acts within subsection (5) of that section;
- (b) “child” means a person aged under 16;
- (c) “image” means an image produced by any means and whether of a real or imaginary subject;
- (d) a communication is sexual if—
 - (i) any part of it relates to sexual activity; or
 - (ii) a reasonable person would, in all the circumstances, consider any part of the communication to be sexual;
- (e) an image is sexual if—
 - (i) any part of it relates to sexual activity; or
 - (ii) a reasonable person would, in all the circumstances, consider any part of the image to be sexual.