

*These notes relate to the Sexual Offences (Scotland) Act
2009 (asp 9) which received Royal Assent on 14 July 2009*

SEXUAL OFFENCES (SCOTLAND) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Consent and Reasonable Belief

Section 14 – Consent: capacity while asleep or unconscious

45. **Section 14** provides that a person is incapable, while asleep or unconscious, of giving consent to any conduct.