



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 4

CHILDREN

Older children

34 Communicating indecently with an older child etc.

- (1) If a person (“A”), who has attained the age of 16 years, intentionally and for a purpose mentioned in subsection (3), sends, by whatever means, a sexual written communication to or directs, by whatever means, a sexual verbal communication at, 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 communicating indecently with an older child.
- (2) If, in circumstances other than are as mentioned in subsection (1), a person (“A”), who has attained the age of 16 years, intentionally and for a purpose mentioned in subsection (3), causes another person (“B”) who is a child described in paragraphs (a) and (b) of subsection (1) to see or hear, by whatever means, a sexual written communication or sexual verbal communication, then A commits an offence, to be known as the offence of causing an older child to see or hear an indecent communication.
- (3) The purposes are—
 - (a) obtaining sexual gratification,
 - (b) humiliating, distressing or alarming B.
- (4) In this section—

“written communication” means a communication in whatever written form, and without prejudice to that generality includes a communication which comprises writings of a person other than A (as for example a passage in a book or magazine), and

Changes to legislation: *There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 34. (See end of Document for details)*

“verbal communication” means a communication in whatever verbal form, and without prejudice to that generality includes—

- (a) a communication which comprises sounds of sexual activity (whether actual or simulated), and
- (b) a communication by means of sign language.

Changes to legislation:

There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 34.