



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 7

MISCELLANEOUS AND GENERAL

Miscellaneous

51 Exceptions to inciting or being involved art and part in offences under Part 4 or 5

A person (“X”) is not guilty of inciting, or being involved art and part in, an offence under Part 4 or 5 if, as regards another person (“Y”), X acts—

- (a) for the purpose of—
 - (i) protecting Y from sexually transmitted infection,
 - (ii) protecting the physical safety of Y,
 - (iii) preventing Y from becoming pregnant, or
 - (iv) promoting Y’s emotional well-being by the giving of advice, and
- (b) not for the purpose of—
 - (i) obtaining sexual gratification,
 - (ii) humiliating, distressing or alarming Y, or
 - (iii) causing or encouraging the activity constituting the offence or Y’s participation in it.