

This fact sheet tells you about the law and how it applies to cottaging and cruising. It gives suggestions on keeping safe and what to do if you are a victim of a crime whilst cottaging or cruising. It also gives some suggestions on what to do if you experience problems with the police or others whilst cottaging or cruising.

Cruising and the law

Cruising grounds are generally to open spaces where men look for consensual sex with other men, such as parks, heaths and lay-bys. These are sometime referred to as public sex environments (PSEs).

There is no law specifically prohibiting cruising, and sex in public places is not illegal as long as other people who might be offended cannot see you and are unaware that you are having sex. Police guidelines advise that the police should only respond to complaints from the public and should not mount proactive operations designed to catch people cruising. However, there are circumstances when the police may mount patrols or intelligence led operations, for example if there are reports of homophobic attacks or robberies.

It is not against the law for people to loiter, engage in conversation or walk around a cruising ground with the purpose of meeting others. In other words, you can not be arrested simply for going cruising.

What should you be careful of while cruising?

If you engage in sexual activity or behaviour that may cause alarm or distress to others, such as intentional exposing your genitalia or voyeurism you could be arrested or prosecuted under the Sexual Offences Act 2003 or the Public Order Act 1986. Therefore it is advisable to be as discreet as possible to avoid attracting attention. For example, use secluded areas, but not anywhere that might be overlooked from a public road, path or houses, particularly during daylight hours. The police are more likely to mount operations at cruising grounds in response to complaints from the public about sexual activity that can be seen or heard. You can also help avoid complaints by ensuring that you take any cruising related rubbish, such as used condoms and tissues, with you when you leave. If you feel that you have been unfairly treated by the police (or others) whilst cruising, you should contact Galop for more advice.

Cottaging and the law

Cottaging is looking for/having sex in a toilet available for use by members of the public including toilets in the street, shops, leisure centres and other public transport venues such as train stations. The Sexual Offences Act 2003 makes it illegal to procure or engage in sex in a public toilet and is against the law for both gay and straight people. You can risk being arrested for cottaging regardless of whether you are being discreet or not. For example, having sex in a cubicle behind closed doors is still illegal.



COTTAGING AND CRUISING: YOUR SAFETY, YOUR RIGHTS AND THE LAW

HOMOPHOBIC TRANSPHOBIC ABUSE?

TELL US ABOUT IT

020 7704 2040
www.galop.org.uk

Homophobia and transphobia are crimes. Report them by calling or texting our helpline or online at our website.

Galop is part of the LGBT community. You do not have to give your name and we will treat what you tell us in confidence.

What might happen if you are stopped by the police for cottaging or other sexual offences?

Cottaging is looking for/having sex in a toilet available for use by members of the public including toilets in the street, shops, leisure centres and other public transport venues such as train stations. The Sexual Offences Act 2003 makes it illegal to procure or engage in sex in a public toilet and is against the law for both gay and straight people. You can risk being arrested for cottaging regardless of whether you are being discreet or not. For example, having sex in a cubicle behind closed doors is still illegal.

What might happen if you are stopped by the police for cottaging or other sexual offences?

If you are stopped by the police for cottaging you could be warned, cautioned or arrested - which might result in you being prosecuted or sent to court. The police officer who has stopped you should explain the reason for you being stopped and if any action further action will be taken against you:

- You might be given a formal warning by the police and they may take your name and address. This is not a conviction and will not be entered onto the police national computer but may be recorded on a local police database.
- In some circumstances the police may issue you with a penalty notice (a fine). Penalty notices are not convictions but would be recorded on the police national computer. However a penalty notice would not normally be disclosed on a Criminal Records Bureau checks unless there are exceptional reasons for doing so.
- You may receive a formal caution. A formal caution is administered by a senior police officer in a police station. A formal caution is not a conviction but is recorded on the police national computer and would therefore appear on CRB disclosure.
- You may be arrested. An arrest could lead to a criminal conviction and fine. You would have a criminal record and this would be disclosed on a CRB check.
- Other action may be taken against you. If you are stopped on private property by security guards or staff, for example in a shopping centre, security staff could take their own action against you, such as a ban from that area.
- If you are cautioned or convicted under the Sexual Offences Act 2003 your name could be added to the Sexual Offenders Register, depending on the circumstances of the case.

If you think you have been treated badly by the police or others, wrongly charged or want more information about this issue you can contact Galop. You can also find a list of LGBT friendly solicitors at www.stonewall.org.uk

Your safety

Criminals sometimes target people when they are cottaging and cruising because they believe that they are less likely to tell anyone about what has happened to them, including the police.

If you are a victim or witness of a theft, homophobic/or transphobic abuse and violence or a sexual assault when you are cottaging or cruising it is important that you tell someone about what has happened so you can get help and alert others to the danger. If you are concerned about confidentiality, would prefer to remain anonymous or don't want to speak directly to the police, you can contact Galop. We can give you advice in complete confidence and if you prefer, you won't have to give any details about yourself. Galop can help you report the incident to the police, and you can also do this anonymously if you prefer.

It is worth remembering that police guidelines state that they are primarily concerned with the safety of those cottaging or cruising rather than with any consensual sexual activity that might have been taking place. The police would therefore encourage all victims of crime to report all crime, regardless of where it took place. If you want to report to the police you can also ask to speak to an LGBT police liaison officer or

the local Community Safety Unit. For more information contact Galop.

Some cruising areas are safer than others. If you are not sure it might be useful to look on websites such as www.squirt.org to see if there is any information about attacks in a particularly cruising ground or cottage. The police, LGBT organisations such as Galop and the press sometimes release information about incidents in cruising areas.

Safety tips when cottaging and cruising

It's unlikely that you will encounter any trouble while cruising or cottaging. However, the following are some basic tips to consider minimising the risk or responding to an incident.

- Try to let a friend or flatmate know where you've gone.
- Leave valuables at home and try not to be conspicuous with items such as mobile phones or wallets. If you are driving, don't leave valuables on display in your car and park in a well lit area.
- Be aware of your surroundings, such as exits and dead-ends – especially at night. You are safer in areas where other men are cruising, so try to avoid becoming isolated.
- Trust your instincts if you feel unsafe or when you see someone behaving oddly. Steer clear of large or rowdy groups that you're not sure about. Avoid confrontation; if you feel you're in danger try to move away to a safer place.
- If you are attacked or see someone else being attacked, shout for help to attract others' attention. Don't put yourself at unnecessary risk by intervening – shout, alert others nearby and call the police immediately.
- Drinking alcohol or taking drugs can affect the choices you make.

Always dial 999 if it is an emergency and you think you are in immediate danger.