



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART I

SEXUAL OFFENCES

Incest and related offences

1 Incest

- (1) Any male person who has sexual intercourse with a person related to him in a degree specified in column 1 of the Table set out at the end of this subsection, or any female person who has sexual intercourse with a person related to her in a degree specified in column 2 of that Table, shall be guilty of incest, unless the accused proves that he or she—
- (a) did not know and had no reason to suspect that the person with whom he or she had sexual intercourse was related in a degree so specified; or
 - (b) did not consent to have sexual intercourse, or to have sexual intercourse with that person; or
 - (c) was married to that person, at the time when the sexual intercourse took place, by a marriage entered into outside Scotland and recognised as valid by Scots law.

Table

DEGREES OF RELATIONSHIP

<i>Column 1</i>	<i>Column 2</i>
1. Relationships by consanguinity	
Mother	Father

Status: This is the original version (as it was originally enacted).

<i>Column 1</i>	<i>Column 2</i>
Daughter	Son
Grandmother	Grandfather
Grand-daughter	Grandson
Sister	Brother
Aunt	Uncle
Niece	Nephew
Great grandmother	Great grandfather
Great grand-daughter	Great grandson

2. Relationships by adoption

Adoptive mother or former adoptive mother.	Adoptive father or former adoptive father.
Adopted daughter or former adopted daughter.	Adopted son or former adopted son.

- (2) For the purpose of this section, a degree of relationship exists in the case of a degree specified in paragraph 1 of the Table—
- (a) whether it is of the full blood or the half blood; and
 - (b) even where traced through or to any person whose parents are not or have not been married to one another.
- (3) For the avoidance of doubt sexual intercourse between persons who are not related to each other in a degree referred to in subsection (1) above is not incest.