



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 5

ABUSE OF POSITION OF TRUST

Children

45 Sexual abuse of trust: defences

- (1) It is a defence to a charge in proceedings under section 42 that A reasonably believed—
 - (a) that B had attained the age of 18, or
 - (b) that B was not a person in relation to whom A was in a position of trust.
- (2) It is a defence to a charge in proceedings under section 42—
 - (a) that B was A's spouse or civil partner, or
 - (b) that immediately before the position of trust came into being, a sexual relationship existed between A and B.
- (3) Subsection (2) does not apply if A was in a position of trust in relation to B by virtue of section 43(6).