



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

Procedure at Trial

[^{F1}141A Evidence in relation to sexual offences.

- (1) In any trial of a person on any charge to which this section applies, subject to section 141B, the court shall not admit, or allow questioning designed to elicit, evidence which shows or tends to show that the complainer—
 - (a) is not of good character in relation to sexual matters;
 - (b) is a prostitute or an associate of prostitutes; or
 - (c) has at any time engaged with any person in sexual behaviour not forming part of the subject matter of the charge.
- (2) This section applies to a charge of committing or attempting to commit any of the following offences, that is to say
 - (a) rape;
 - (b) sodomy;
 - (b)^{F2} [clandestine injury to women;]
 - (c) assault with intent to rape;
 - (d) indecent assault;
 - (e) indecent behaviour (including any lewd, indecent or libidinous practice or behaviour);
 - (f) an offence under section 106(1)(a) or 107 of the ^{M1}Mental Health (Scotland) Act 1984 (unlawful sexual intercourse with mentally handicapped female or with patient);
 - (g) an offence under any of the following provisions of the ^{M2}Sexual Offences (Scotland) Act 1976—
 - (i) section 2 (procuring by threats etc.);
 - [section 2A (incest);

^{F3}(ia)

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 141A is up to date with all changes known to be in force on or before 20 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ib) section 2B (unlawful sexual intercourse with stepchild);
- (ic) section 2C (unlawful sexual intercourse of person in position of trust with child under 16);]
- (ii) section 3 (unlawful sexual inter course with girl under 13);
- (iii) section 4 (unlawful sexual intercourse with girl under 16);
- (iv) section 5 (indecent behaviour towards girl between 12 and 16);
- [section 7 (gross indecency between males)]
- ^{F4}(iva)
- (v) section 8 (abduction of girl under 18);
- (vi) section 9 (unlawful detention of female); or
- (h) an offence under section 80(7) of the ^{M3}Criminal Justice (Scotland) Act 1980 (homosexual offences).

(3) In this section “complainer” means the person against whom the offence referred to in subsection (2) above is alleged to have been committed.

(4) This section does not apply to questioning, or evidence being adduced, by the Crown.]

Textual Amendments

- F1** S. 141A, 141B inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 39:1), s. 36(1), **Sch. 3 para. 1**
- F2** S. 141A(2)(ba) inserted (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 28(1)(a); S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**
- F3** S. 141A(2)(ia)-(ic) inserted (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 28(1)(b); S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**
- F4** S. 141A(2)(iva) inserted (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 28(1)(c); S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**

Marginal Citations

- M1** 1984 c. 36(85).
- M2** 1976 c. 67(39:5).
- M3** 1980 c. 62(39:1).

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Section 141A is up to date with all changes known to be in force on or before 20 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)](#)[128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn. of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)](#)[Sch. 4 para. 24\(17\)\(b\)\(i\)](#)[Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)