

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Part 4 – Homosexual Offences

Repeal of section 13(2)(a) of the Criminal Law (Consolidation) Act 1995

80. Section 13(1) of the Criminal Law (Consolidation) (Scotland) Act 1995 provides that a homosexual act in private is not an offence provided that the parties consent and have obtained the age of 16 years. Section 13(2)(a) provided that an act which would otherwise be treated for the purposes of the 1995 Act as being done in private should not be so treated if done when more than two persons took part or were present. The effect of section 13(2)(a) of the 1995 Act was that it was an offence for more than two consenting adult males to take part in homosexual acts in private. Section 10(a) repeals section 13(2)(a).
81. [Section 10\(b\)](#) makes a necessary consequential amendment to section 13(5)(b) of the 1995 Act. Section 13(5)(b) made it an offence to commit or to be party to the commission of, or to procure or attempt to procure the commission of a homosexual act without the consent of *both parties* to the act. Section 8(b) changes the reference to “both parties” to “the parties” to cover the situation where more than two men are involved.