



# Sexual Offences (Procedure and Evidence) (Scotland) Act 2002

2002 asp 9

## SEXUAL OFFENCES (PROCEDURE AND EVIDENCE) (SCOTLAND) ACT 2002

### *Prohibition of personal conduct of defence by alleged sex offender*

- 1 Prohibition of personal conduct of defence in cases of certain sexual offences
- 2 Appointment of solicitor by court in such cases and availability of legal aid
- 3 Notice to accused about effect of sections 288C and 288D of 1995 Act and special pre-trial court procedures

### *Prohibition on alleged sex offender personally precognosing complainer*

- 4 Precognition on oath by person accused of sexual offence
- 5 Addition to standard bail conditions

### *Notice of defence of consent*

- 6 Accused to give notice of defence of consent

### *Restrictions on evidence*

- 7 Restrictions on evidence relating to sexual offences
- 8 Exception to restrictions under section 274 of 1995 Act
- 9 Repeal

### *Disclosure of accused's convictions*

- 10 Disclosure of accused's previous convictions where court allows questioning or evidence under section 275 of 1995 Act

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**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to Sexual Offences (Procedure and Evidence) (Scotland) Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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## General

### 11 Short title and commencement

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#### SCHEDULE — Notice to accused about effect of sections 288C and 288D of 1995 Act and special pre-trial procedures: amendment of 1995 Act

- 1 *General*
- 2 *Notice of restriction on conduct of defence: arrest*
- 3 *Notice of restriction on conduct of defence: judicial examination*
- 4 *Notice of restriction on conduct of defence: citation and service of indictment*
- 5 *Procedure on indictment in sheriff court*
- 6 After section 71 there is inserted— Further pre-trial diet: dismissal...
- 7 *Pre-trial High Court diet: inquiry about legal representation of accused in cases of sexual offences*
- 8 *Notice of restriction on conduct of defence: citation and complaint*
- 9 *Notice of restriction on conduct of defence: first calling in summary prosecution*
- 10 *Notice of restriction on conduct of defence: copy complaint*
- 11 *Summary procedure: interim diet: inquiry about legal representation of accused in cases of sexual offences*
- 12 In subsection (3A) (which provides that the grant of a...

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**Changes and effects yet to be applied to :**

- s. 6(2) repealed by [2007 asp 6 Sch. para. 28](#)

**Commencement Orders yet to be applied to the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002:**

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2007/479 art. 3](#) commences ([2007 asp 6](#))
- [S.S.I. 2007/527 art. 2](#) amendment to earlier commencing SSI 2007/479