

*These notes relate to the Sexual Offences (Procedure and Evidence)
(Scotland) Act 2002 (asp 9) which received Royal Assent on 11 April 2002*

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

EXPLANATORY NOTES

COMMENTARY ON THE SCHEDULE

Paragraph 3

42. Judicial examination is a preliminary hearing before a sheriff in a case which is to be tried before a jury. It is dealt with in section 35 of the 1995 Act.
43. Paragraph 3 inserts a new section 35(4A). This provides for an oral warning about legal representation at trial to be given to the accused by the sheriff at judicial examination. The warning will be in similar terms to that given by the police on arrest.