

*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 9

57. Section 144 of the 1995 Act sets down procedure at the first calling of a non-jury case in court. The accused will not necessarily be present at first calling. He or she may instead plead not guilty (or guilty) by letter, or may have a solicitor present. However, where the accused is present, the new section 144(3A) inserted by paragraph 9 will require the court to give the accused an oral warning about the need for legal representation. This will be in similar terms to the warning to be given by the sheriff at judicial examination in a jury case.