
Changes to legislation: *There are currently no known outstanding effects for the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, Paragraph 6. (See end of Document for details)*

SCHEDULE

NOTICE TO ACCUSED ABOUT EFFECT OF SECTIONS 288C AND 288D OF 1995 ACT AND SPECIAL PRE-TRIAL PROCEDURES: AMENDMENT OF 1995 ACT

6 After section 71 there is inserted—

“71A Further pre-trial diet: dismissal or withdrawal of solicitor representing accused in case of sexual offence

- (1) It is the duty of a solicitor who—
 - (a) was engaged for the purposes of the defence of an accused charged with a sexual offence to which section 288C of this Act applies—
 - (i) at the time of a first diet,
 - (ii) at the time of a diet under this section, or
 - (iii) in the case of a diet which, under subsection (7) below, is dispensed with, at the time when it was so dispensed with; and
 - (b) after that time but before the trial diet—
 - (i) is dismissed by the accused; or
 - (ii) withdraws,forthwith to inform the court in writing of those facts.
- (2) On being so informed, the court shall order that, before the trial diet, there shall be a further pre-trial diet under this section and ordain the accused then to attend.
- (3) At a diet under this section, the court shall ascertain whether or not the accused has engaged another solicitor for the purposes of his defence at the trial.
- (4) Where, following inquiries for the purposes of subsection (3) above, it appears to the court that the accused has not engaged another solicitor for the purposes of his defence at his trial, it may adjourn the diet under this section for a period of not more than 48 hours and ordain the accused then to attend.
- (5) A diet under this section shall be not less than 10 clear days before the trial diet.
- (6) A court may, at a diet under this section, postpone the trial diet.
- (7) The court may dispense with a diet under this section previously ordered, but only if a solicitor engaged by the accused for the purposes of the defence of the accused at the trial has, in writing—
 - (a) confirmed his engagement for that purpose; and
 - (b) requested that the diet be dispensed with.
- (8) Where—
 - (a) a solicitor has requested, under subsection (7) above, that a diet under this section be dispensed with; and
 - (b) before that diet has been held or dispensed with, the solicitor—
 - (i) is dismissed by the accused; or
 - (ii) withdraws,

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the solicitor shall forthwith inform the court in writing of those facts.”.

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