



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

2002 asp 9

Prohibition on alleged sex offender personally precognosing complainer

4 Precognition on oath by person accused of sexual offence

In section 291 (precognition on oath of defence witnesses) of the 1995 Act, after subsection (3) there is inserted—

“(4) This section does not, however, extend to the citation of the complainer for precognition by the accused in person.

(5) In subsection (4) above, “complainer” has the same meaning as in section 274 of this Act.”.

5 Addition to standard bail conditions

(1) In subsection (5) (standard bail conditions) of section 24 of the 1995 Act—

(a) the word “and” immediately preceding paragraph (d) is repealed; and

(b) after that paragraph there is inserted “; and

(e) where the (or an) offence in respect of which he is admitted to bail is one to which section 288C of this Act applies, does not seek to obtain, otherwise than by way of a solicitor, any precognition of or statement by the complainer in relation to the subject matter of the offence.”.

(2) After subsection (7) of that section there is inserted—

“(7A) In subsection (5)(e) above, “complainer” has the same meaning as in section 274 of this Act.”.

Changes to legislation:

There are currently no known outstanding effects for the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, Cross Heading: Prohibition on alleged sex offender personally precognosing complainer.