

These notes relate to the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 (asp 9)

EXPLANATORY NOTES

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

INTRODUCTION

THE ACT

COMMENTARY ON SECTIONS

Section 1: Prohibition of personal conduct of defence in cases of certain sexual offences

Section 2: Appointment of solicitor by court in such cases and availability of legal aid

Section 3: Notice to accused about effect of sections 288C and 288D of 1995 Act and special pre-trial court procedures

Section 4: Precognition on oath by person accused of sexual offence

Section 5: Addition to standard bail conditions

Section 6: Accused to give notice of defence of consent

Section 7: Restrictions on evidence relating to sexual offences

Section 8: Exceptions to restrictions under section 274 of 1995 Act

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COMMENTARY ON THE SCHEDULE

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Paragraph 3

Paragraph 4

Paragraph 5

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and Evidence) (Scotland) Act 2002 (asp 9)*

Paragraph 9

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Paragraph 11

**PARLIAMENTARY HISTORY OF SEXUAL OFFENCES (PROCEDURE AND
EVIDENCE) (SCOTLAND) ACT 2002**