

*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 2

41. Section 17 of the 1995 Act imposes a duty on the police to inform a suspect who is arrested of his or her right to have a solicitor informed of his or her whereabouts. Paragraph 2 follows this provision with a new section 17A, requiring an oral warning to be given on arrest in a sexual offence case that legal representation will be necessary at trial, that it is in the accused's interests to seek the assistance of a solicitor and that, if this is not done, the court will appoint one to him or her.