

*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 4

44. Section 66 of the 1995 Act contains provision for a notice to be served on the accused along with the indictment in a jury case, calling on him or her to appear to answer the indictment at a specified trial date. Paragraph 4 inserts a new subsection (6A) requiring the notice to contain a written warning to the accused about the necessity of obtaining legal representation for the trial. This is to be in similar terms to the oral warnings given on arrest and at judicial examination. Where the trial is to be held in the High Court, the notice must also call on the accused to appear at the new pre-trial diet to be set under paragraph 7 of the schedule (new section 72A). This means that a specified date, time and venue for the pre-trial diet will require to be included in the notice.