

Changes to legislation: *There are currently no known outstanding effects for the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, Paragraph 4. (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

Notice of restriction on conduct of defence: citation and service of indictment

4 In section 66 (which includes provision about the citation of and service of the indictment upon the accused) after subsection (6) there is inserted—

“(6A) Where the charge in the indictment is of committing a sexual offence to which section 288C of this Act applies, the notice served under subsection (6) above shall—

- (a) contain intimation to the accused—
 - (i) that, if he is tried for the offence, his defence may be conducted only by a lawyer;
 - (ii) that it is, therefore, in his interests, if he has not already done so, to get the professional assistance of a solicitor; and
 - (iii) that if he does not engage a solicitor for the purposes of his defence at the trial, the court will do so; and
- (b) where the case is to be tried in the High Court, call upon him to appear and answer to the indictment also at a diet under section 72A of this Act.

(6B) A failure to comply with subsection (6A) above does not affect the validity or lawfulness of any such notice or any other element of the proceedings against the accused.”.

Changes to legislation:

There are currently no known outstanding effects for the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, Paragraph 4.