

Changes to legislation: *There are currently no known outstanding effects for the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, Paragraph 5. (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

Procedure on indictment in sheriff court

- 5 In section 71 (first diet of proceedings on indictment in sheriff court)—
- (a) at the beginning there is inserted—
 - “(A1) At a first diet, the court shall, where the accused is charged with a sexual offence to which section 288C of this Act applies, ascertain whether he has engaged a solicitor for the purposes of his defence at the trial.”;
 - (b) after subsection (5) there is inserted—
 - “(5A) Where, however—
 - (a) the accused is charged with a sexual offence to which section 288C of this Act applies; and
 - (b) the court has not ascertained (whether at that diet or earlier) that he has engaged a solicitor for the purposes of his defence at the trial,a first diet may not proceed in his absence; and, in such a case, the court shall adjourn the diet and ordain the accused then to attend.”;
- and
- (c) after subsection (8) there is inserted—
 - “(8A) Where the court adjourns a first diet under subsection (8) above by reason only that, following inquiries for the purposes of subsection (A1) above, it appears to the court that the accused has not engaged a solicitor for the purposes of his defence at his trial, that adjournment shall be for a period of not more than 48 hours and the accused shall be ordained to then attend.”.

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