



# Sexual Offences (Procedure and Evidence) (Scotland) Act 2002

## 2002 asp 9

### *Notice of defence of consent*

#### **6 Accused to give notice of defence of consent**

(1) In section 78 (which provides for, amongst other things, prior notice of special defences in proceedings on indictment) of the 1995 Act—

(a) in subsection (2), for “or coercion” there is substituted “, coercion or, in a prosecution for an offence to which section 288C of this Act applies, consent”;

(b) after that subsection there is inserted—

“(2A) In subsection (2) above, the reference to a defence of consent is a reference to the defence which is stated by reference to the complainer’s consent to the act which is the subject matter of the charge or the accused’s belief as to that consent.

(2B) In subsection (2A) above, “complainer” has the same meaning as in section 274 of this Act.”.

<sup>F1</sup>(2) .....

#### **Textual Amendments**

**F1** S. 6(2) repealed (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), s. 84(1), [Sch. para. 28](#); S.S.I. 2007/479, art. 3, Sch. (with art. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, Section 6.