



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

## 2002 asp 9

### *Restrictions on evidence*

#### **7 Restrictions on evidence relating to sexual offences**

For section 274 (restrictions on evidence relating to sexual offences) of the 1995 Act there is substituted—

#### **“274 Restrictions on evidence relating to sexual offences**

- (1) In the trial of a person charged with an offence to which section 288C of this Act applies, the court shall not admit, or allow questioning designed to elicit, evidence which shows or tends to show that the complainer—
- (a) is not of good character (whether in relation to sexual matters or otherwise);
  - (b) has, at any time, engaged in sexual behaviour not forming part of the subject matter of the charge;
  - (c) has, at any time (other than shortly before, at the same time as or shortly after the acts which form part of the subject matter of the charge), engaged in such behaviour, not being sexual behaviour, as might found the inference that the complainer—
    - (i) is likely to have consented to those acts; or
    - (ii) is not a credible or reliable witness; or
  - (d) has, at any time, been subject to any such condition or predisposition as might found the inference referred to in sub-paragraph (c) above.
- (2) In subsection (1) above—
- “complainer” means the person against whom the offence referred to in that subsection is alleged to have been committed; and
- the reference to engaging in sexual behaviour includes a reference to undergoing or being made subject to any experience of a sexual nature.”.