

These notes relate to the Vulnerable Witnesses (Scotland) Act 2004 (asp 3) which received Royal Assent on 14 April 2004

VULNERABLE WITNESSES (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Criminal Proceedings

Section 7 – Special pre-trial procedures for ascertaining in such cases whether accused has engaged a solicitor

59. Section 71 of the Criminal Procedure (Scotland) Act 1995 requires the court at a first diet in the sheriff court, in a sexual offence case, to ascertain whether the accused has engaged a solicitor for the purposes of his defence at the trial. Section 71A of the 1995 Act requires that in sheriff court solemn proceedings a solicitor who has been dismissed or has withdrawn from acting for an accused in a sexual offence case must inform the court of that fact in writing. Section 72A of the 1995 Act makes the holding of a preliminary diet mandatory in the High Court in sexual offence cases.
60. **Section 7** amends sections 71, 71A and 72A of the 1995 Act so that these provisions will now relate not only to cases involving sexual offences under section 288C of the 1995 Act but also to cases in which an accused is prohibited from conducting his own defence under the new sections 288E or 288F.