



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XIII

#### MISCELLANEOUS

#### *[<sup>F1</sup>Dockets and charges in sex cases*

#### **[<sup>F1</sup>288BC] Aggravation by intent to rape**

- (1) Subsection (2) applies as respects a qualifying offence charged in an indictment or a complaint.
- (2) Any specification in the charge that the offence is with intent to rape (however construed) may be given by referring to the statutory offence of rape.
- (3) In this section—
  - (a) the reference to a qualifying offence is to an offence of assault or abduction (and includes attempt, conspiracy or incitement to commit such an offence),
  - (b) the reference to the statutory offence of rape is (as the case may be) to—
    - (i) the offence of rape under section 1 of the Sexual Offences (Scotland) Act 2009, or
    - (ii) the offence of rape of a young child under section 18 of that Act.]

#### **Textual Amendments**

- F1** Ss. 288BA-288BC inserted (1.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 63, 206(1); S.S.I. 2010/357, art. 2(b)

**Status:**

Point in time view as at 01/12/2010.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 288BC is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.