



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

Procedure at Trial

141B Exceptions to prohibition.

- (1) Notwithstanding the terms of section 141A, in any trial of a person on any charge to which that section applies, where the court is satisfied on an application by that person—
 - (a) that the questioning or evidence referred to in section 141A(1) above is designed to explain or rebut evidence adduced, or to be adduced, otherwise than by or on behalf of that person,
 - (b) that the questioning or evidence referred to in section 141A(1)(c) above—
 - (i) is questioning or evidence as to sexual behaviour which took place on the same occasion as the sexual behaviour forming the subject-matter of the charge, or
 - (ii) is relevant to the defence of incrimination, or
 - (c) that it would be contrary to the interests of justice to exclude the questioning or evidence referred to in section 141A(1) above,the court shall allow such questioning or, as the case may be, admit such evidence.
- (2) Where questioning or evidence is or has been allowed or admitted under this section, the court may at any time limit as it thinks fit the extent of that questioning or evidence.
- (3) Any application under this section shall be made in the course of the trial but in the absence of the jury, the complainer, any person cited as a witness and the public.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Section 141B is up to date with all changes known to be in force on or before 24 July 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.