

Cabinet Secretary for Justice  
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Margaret Mitchell MSP  
Convenor, Justice Committee  
c/o Justice Committee Clerks  
Room T2.60  
The Scottish Parliament  
Edinburgh  
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29th June 2016

*Dear Margaret,*

As you may recall, in discussing the matter of Independent Legal Representation (ILR) for complainers in relation to sexual offences during Stage 2 of the Criminal Justice Bill, I advised the Committee that I considered a better understanding of the current use of related legislation was required (sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995).

I wrote to the Committee in December 2015 and confirmed that a small high level data collection project would be taken forward to review the usage of these provisions. I requested that COPFS and SCTS undertake a short monitoring exercise which would initially last around 3 months. Once sufficient information was available we would then consider whether any further analysis is required to understand in more detail how the courts currently use the power to permit questioning about character and sexual and other behaviour in sexual offence cases.

The monitoring exercise has now concluded and I attach the statistics at Annex A for your information.


For the period 11 January 2016 to 11 April 2016, there were a total of 57 applications (52 in the High Court and 5 in the Sheriff Court) made under section 275. 51 of the applications were unopposed (48 in the High Court and 3 in the Sheriff Court) and only 6 were opposed (4 in the High Court and 2 in the Sheriff Court).

42 of the 52 High Court applications were granted in full. For the remaining 10 applications, 5 were granted in part and 5 were refused.

Only 1 of the 5 Sheriff Court applications were granted in full. The other 4 applications were refused.

We are currently considering whether to undertake further analysis of this data to understand whether that would improve our understanding of how this area of law operates.

I hope the above information is helpful to the Committee.

*Best wishes*  


**MICHAEL MATHESON**

**Annex A**  
**Section 275 data**  
**High Court**

Application	Application opposed	Application unopposed	Application granted	Application refused	Application granted partially
1		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
2		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
3		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
4	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
6		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
7		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
8		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
9		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
10		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
11		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
12		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
13		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
14		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
15		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
16		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
17		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
18		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
19		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
20		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
21	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>
22		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

Application	Application opposed	Application unopposed	Application granted	Application refused	Application granted partially
23		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
24		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
25		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
26		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
27		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
28		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
29		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
30		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
31		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
32		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
33		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
34		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
35		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
36		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
37		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
38		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
39		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
40	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
41		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
42		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
43		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
44		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
45		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
46		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

Application	Application opposed	Application unopposed	Application granted	Application refused	Application granted partially
47		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
48		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
49		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
50		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
51	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>
52		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Totals	4	48	42	5	5

### Sheriff Court

Application	Application opposed	Application unopposed	Application granted	Application refused	Application granted partially
1		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
2		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
3		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
4	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
5	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Totals	2	3	1	4	0