

Vulnerable Witnesses (Scotland) Act 2004 2004 asp 3

VULNERABLE WITNESSES (SCOTLAND) ACT 2004

PART 1

CRIMINAL PROCEEDINGS

Evidence of children and other vulnerable witnesses: special measures

- 1 Evidence of children and other vulnerable witnesses: special measures
- 2 Consideration before the trial of matters relating to vulnerable witnesses
- 3 Evidence of vulnerable witnesses at proofs in relation to victim statements

Evidence of identification prior to trial

4 Evidence of identification prior to trial

Expert evidence as to subsequent behaviour of complainer

5 Expert evidence as to subsequent behaviour of complainer

Prohibition of personal conduct of defence in cases involving vulnerable witnesses

- 6 Prohibition of personal conduct of defence in cases involving vulnerable witnesses
- 7 Special pre-trial procedures for ascertaining in such cases whether accused has engaged a solicitor

Prohibition on accused personally precognoscing children under 12

8 Prohibition of precognition by accused in person of child witnesses under 12 in cases to which section 288E applies

Pre-trial procedure in sheriff court summary proceedings

9 Summary proceedings in sheriff court: pre-trial procedure where no intermediate diet is fixed

Proceedings in the district court

10 Application of vulnerable witnesses provisions to proceedings in the district court

PART 2

CIVIL PROCEEDINGS

Evidence of children and other vulnerable witnesses: special measures

- 11 Interpretation of this Part
- 12 Orders authorising the use of special measures for vulnerable witnesses
- 13 Review of arrangements for vulnerable witnesses
- 14 Procedure in connection with orders under sections 12 and 13
- 15 Vulnerable witnesses: supplementary provision
- 16 Party to proceedings as a vulnerable witness
- 16A Relevant proceedings: Principal Reporter's power to act for party to proceedings
 - 17 Crown application and saving provision
 - 18 The special measures
 - 19 Taking of evidence by a commissioner
 - 20 Live television link
 - 21 Screens
 - 22 Supporters
- 22A Giving evidence in chief in the form of a prior statement

Establishment of grounds of referral to children's hearings: restrictions on evidence

23 Establishment of grounds of referral to children's hearings: restrictions on evidence

PART 3

MISCELLANEOUS AND GENERAL

Abolition of the competence test

24 Abolition of the competence test for witnesses in criminal and civil proceedings

Commencement and short title

25 Commencement and short title

Changes to legislation:

Vulnerable Witnesses (Scotland) Act 2004 is up to date with all changes known to be in force on or before 24 May 2023. 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. View outstanding changes

Changes and effects yet to be applied to :

- s. 11(5) words substituted by 2020 asp 16 s. 4(2)
- s. 12(2) excluded by 2011 asp 1, s. 176B(4) (as inserted) by 2020 asp 16 s. 6(2)
- s. 12(6) modified by 2011 asp 1, s. 176C(2) (as inserted) by 2020 asp 16 s. 6(2)
- s. 15(2) applied by 2011 asp 1, s. 176A(5) (as inserted) by 2020 asp 16 s. 6(2)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A11B inserted by 2020 asp 16 s. 4(3)
- s. 12(3A) inserted by 2020 asp 16 s. 4(4)
- s. 12(6A) inserted by 2020 asp 16 s. 5(2)
- s. 22B-22D inserted by 2020 asp 16 s. 4(5)