

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

THE ACT

3. The Act is in 3 parts.
4. **Part 1** (Criminal Proceedings) deals with evidential and procedural matters for vulnerable witnesses giving evidence in criminal proceedings. The Criminal Procedure (Scotland) Act 1995 is amended to define the categories of vulnerable witness and the special measures available. This part also provides for evidence of previous identifications and expert evidence regarding the subsequent behaviour of complainers to be admitted by the court in certain cases. This part also introduces restrictions on an accused from personally conducting his own defence. There is a discretionary power to prohibit the accused from personally conducting his own defence in cases involving vulnerable witnesses, and an automatic prohibition in certain cases involving child witnesses under the age of 12. There is also a ban on the accused seeking to personally precognosce children under 12 who are to be witnesses in certain cases.
5. **Part 2** (Civil Proceedings) deals with evidential and procedural matters for vulnerable witnesses in civil proceedings. The Act also restricts the extent to which evidence can be led regarding the character and sexual history of a witness in referrals from the children's hearing system.
6. **Part 3** (Miscellaneous and General) abolishes the competence test for all witnesses.