

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

COMMENTARY ON SECTIONS

Part 1 – Criminal Proceedings

Section 3 – Evidence of vulnerable witnesses at proofs in relation to victim statements

44. This section inserts a new section 15A into the Criminal Justice (Scotland) Act 2003 (“the 2003 Act”) which applies the special measures provisions in sections 271 to 271M of the Criminal Procedure (Scotland) Act 1995 (as inserted by the Act) to proofs ordered in relation to victim statements. Subsection (3) of the new section ensures that any witness who gives evidence using a special measure during the trial will also be able to use that special measure if they are giving evidence at any subsequent proof ordered in relation to a victim statement. A notice can be lodged or application made seeking the use at the proof of special measures for a vulnerable witness who has not previously used a special measure in the case.
45. Section 14 of the 2003 Act enables persons against whom certain offences are alleged to have been committed to lodge statement (a “victim statement”) about how they have been affected by the offence. If anything in a victim statement is disputed, the court can order a proof.