

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 5 – Expert evidence as to subsequent behaviour of complainer

48. This section inserts a new section 275C into the Criminal Procedure (Scotland) Act 1995 which enables certain expert evidence to be admitted in cases involving sexual offences as defined by section 288C of the 1995 Act (as inserted by the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002). This evidence may only be admitted for the purpose of explaining the behaviour of the victim of the offence to rebut any inference adverse to the credibility or reliability of the complainer which might otherwise be drawn from the behaviour.
49. Subsection (4) ensures that this provision does not restrict the use of expert evidence that can currently be admitted by the court.