



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 2

CIVIL PROCEEDINGS

Evidence of children and other vulnerable witnesses: special measures

19 Taking of evidence by a commissioner

- (1) Where the special measure to be used is taking of evidence by a commissioner, the court must appoint a commissioner to take the evidence of the vulnerable witness in respect of whom the special measure is to be used.
- (2) Proceedings before a commissioner appointed under subsection (1) above must be recorded by video recorder.
- (3) A party to the proceedings—
 - (a) must not, except by leave of the court, be present in the room where such proceedings are taking place, but
 - (b) is entitled by such means as seem suitable to the court to watch and hear the proceedings.
- (4) The recording of the proceedings made in pursuance of subsection (2) above is to be received in evidence without being sworn to by witnesses.