



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 1

CRIMINAL PROCEEDINGS

Evidence of children and other vulnerable witnesses: special measures

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

After section 15 of the Criminal Justice (Scotland) Act 2003 (asp 7) there is inserted—

“15A Application of sections 271 to 271M of the 1995 Act in proofs ordered in relation to victim statements

- (1) Sections 271 to 271M of the 1995 Act (which make provision as to the use of special measures for taking the evidence of vulnerable witnesses) apply in relation to a person who is giving or is to give evidence at or for the purposes of any proof ordered in relation to—
 - (a) a victim statement made by virtue of subsection (2) (or by virtue of that subsection and subsection (6)) of section 14 of this Act, or
 - (b) a statement made by virtue of subsection (3) of that section in relation to such a victim statement,as they apply to a person who is giving or is to give evidence at, or for the purposes of, a trial.
- (2) For that purpose, any reference in those sections to the trial or trial diet is to be read as a reference to the proof.
- (3) Where—
 - (a) any person who is giving or is to give evidence at any proof ordered in relation to any such statement as is mentioned in subsection (1) above gave evidence at or for the purposes of any trial in respect of the offence to which the statement relates, and
 - (b) a special measure or combination of special measures was used by virtue of sections 271A, 271C or 271D of the 1995 Act for the purpose of taking the person’s evidence at the trial,

Changes to legislation: *Vulnerable Witnesses (Scotland) Act 2004, Section 3 is up to date with all changes known to be in force on or before 21 July 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. (See end of Document for details) View outstanding changes*

that special measure or, as the case may be, combination of special measures is to be treated as having been authorised, by virtue of the same section of the 1995 Act, to be used for the purpose of taking the person's evidence at or for the purposes of the proof.

(4) Subsection (3) above does not affect the operation, by virtue of subsection (1) above, of section 271D of the 1995 Act.”.

Commencement Information

- I1** S. 3 in force at 1.4.2005 for specified purposes by S.S.I. 2005/168, art. 2, **Sch.** (with art. 4)
- I2** S. 3 in force at 30.11.2005 for specified purposes by S.S.I. 2005/590, art. 2, **Sch.** (with art. 4)
- I3** S. 3 in force at 1.4.2006 for specified purposes by S.S.I. 2006/59, art. 2, **Sch.** (with art. 4)
- I4** S. 3 in force at 1.4.2007 for specified purposes by S.S.I. 2007/101, art. 2, **Sch.** (with art. 4)
- I5** S. 3 in force at 2.7.2007 for specified purposes by S.S.I. 2007/329, art. 2, **Sch.** (with art. 4)
- I6** S. 3 in force at 1.4.2008 in so far as not already in force by S.S.I. 2008/57, **art. 2** (with art. 3)

Changes to legislation:

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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\(5\)](#)