



# Victims and Witnesses (Scotland) Act 2014 2014 asp 1

## *Vulnerable witnesses*

### **16 Other vulnerable witnesses: assessment and application**

(1) After section 271B of the 1995 Act, insert—

#### **“271BA Assessment of witnesses**

- (1) This section applies where a party intends to cite a witness other than a child witness or a deemed vulnerable witness to give evidence at, or for the purposes of, a hearing in relevant criminal proceedings.
- (2) The party intending to cite the witness must take reasonable steps to carry out an assessment under subsection (3).
- (3) An assessment must determine whether the person—
  - (a) is likely to be a vulnerable witness, and
  - (b) if so, what special measure or combination of special measures ought to be used for the purpose of taking the person's evidence.
- (4) In determining under subsection (3)(a) whether a person is likely to be a vulnerable witness the party must—
  - (a) take into account the matters mentioned in section 271(2),
  - (b) have regard to the best interests of the person, and
  - (c) take account of any views expressed by the person.”

(2) In section 271C(1) of the 1995 Act (citation of vulnerable witnesses)—

- (a) after “witness”, where it first occurs, insert “ or a deemed vulnerable witness ”, and
- (b) before “considers” insert “ and, having carried out an assessment under section 271BA, ”.

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**Changes to legislation:** There are currently no known outstanding effects for the *Victims and Witnesses (Scotland) Act 2014, Section 16*. (See end of Document for details)

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#### **Commencement Information**

- II** S. 16 in force at 1.9.2015 with effect in accordance with art. 1(3) by [S.S.I. 2015/200](#), art. 2(2), [Sch.](#) (with [art. 4](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Section 16.