



# Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019

2019 asp 8

PROSPECTIVE

## *Deemed vulnerable witnesses*

### **3 Deemed vulnerable witnesses in certain solemn cases**

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) After section 271BZC, insert—

#### **“271BZD Power to apply section 271BZA to deemed vulnerable witnesses**

- (1) The Scottish Ministers may by regulations extend the application of section 271BZA so that it also applies where a deemed vulnerable witness who is not a child witness is to give evidence at, or for the purposes of, a hearing in relevant criminal proceedings which are solemn proceedings.
- (2) Regulations under subsection (1) may, in particular—
  - (a) make different provision for different descriptions of deemed vulnerable witness, including, in particular, provision to extend the application of section 271BZA only in cases involving specified descriptions of deemed vulnerable witness,
  - (b) make such provision as the Scottish Ministers consider necessary or expedient in connection with the extension of the application of section 271BZA, including, in particular, provision to apply section 271BZA subject to specified modifications,
  - (c) make different provision for different courts or descriptions of court,
  - (d) make different provision for other different purposes,
  - (e) make such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient,

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**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019, Cross Heading: Deemed vulnerable witnesses. (See end of Document for details)

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(f) modify any enactment (including this Act).

(3) In this section—

“specified” means specified in the regulations,

“descriptions of deemed vulnerable witness” may include, in particular, descriptions relating to the specific offences or types of offences that are alleged to have been committed against the deemed vulnerable witness.

(4) Regulations under subsection (1) are subject to the affirmative procedure.”.

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019, Cross Heading: Deemed vulnerable witnesses.