



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 4

### EVIDENCE

#### 86 Spouse or civil partner of accused a compellable witness

(1) For section 264 of the 1995 Act (spouse of accused a competent witness) substitute—

**“264 Spouse or civil partner of accused a compellable witness**

- (1) The spouse or civil partner of an accused is a competent and compellable witness for the prosecution, the accused or any co-accused in the proceedings against the accused.
  - (2) Subsection (1) is, if the spouse or civil partner is a co-accused in the proceedings, subject to any enactment or rule of law by virtue of which an accused need not (by reason of being an accused) give evidence in the proceedings.
  - (3) Subsection (1) displaces any other rule of law that would (but for that subsection) prevent or restrict, by reference to the relationship, the giving of evidence by the spouse or civil partner of an accused.”
- (2) Section 130 of the Civil Partnership Act 2004 (c.33) (civil partner of accused a competent witness) is repealed.