

SCHEDULE

FORM 35A.3

**Form of vulnerable witness application**

Rule 35A.3

VULNERABLE WITNESSES (SCOTLAND) ACT 2004 Section 12

Received the . . . . day of . . . . . 20 . . . . .

*(Date of receipt of this notice)*

.....*(signed)*

Depute Clerk of Session

In the Cause (Cause Reference No. )

[A,B.] *(designation and address)*

Pursuer [or Petitioner]

against

[C,D.] *(designation and address)*

Defender [or Respondent]

VULNERABLE WITNESS APPLICATION

1. The applicant is the pursuer [or petitioner] [or defender] [or respondent] in the action by [A,B.] *(design)* against [C,D.] *(design)*.

2. The applicant has cited [or intends to cite] [E.F.] *(date of birth)* as a witness.

3. The applicant considers that [E.F.] is a vulnerable witness under section 11(1)(b) of the Vulnerable Witnesses (Scotland) Act 2004 for the following reasons –

*(here specify reasons witness is considered to be a vulnerable witness).*

4. The applicant considers that the following special measure[s] is [are] the most appropriate for the purpose of taking the evidence of [E.F.]:-

*(specify any special measure(s) sought)*

5. The reason[s] this [these] special measure[s] is [are] considered the most appropriate is [are] as follows:-

*(here specify the reason(s) for the special measures(s) sought).*

6. [E.F.] has expressed the following view[s] on the special measure[s] that is [are] considered most appropriate:

*(set out the views expressed and how they were obtained).*

7. Other information considered relevant to this application is as follows:

*(here set out any other information relevant to the vulnerable witness application).*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8. The applicant asks the court to

- (a) consider this vulnerable witness application;
- (b) make an order authorising [the special measure/s] sought.

.....(Signed)

Solicitor [or Agent] for A.B. [or C.D.] (include full designation)

*NOTE. This form should be suitably adapted where section 16 of the Act of 2004 applies.*