



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART IV

MISCELLANEOUS REFORMS

PROSPECTIVE

Evidence by children in criminal trials

^{F1}56

Textual Amendments

F1 S. 56 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 para. 1)

^{F2}57

Textual Amendments

F2 S. 57 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 para. 1)

58 Identification of accused by child.

Where a court has, or is deemed to have, granted an application made under section 56 of this Act in relation to a child ^{F3} . . . , and the child gives evidence that he recalls having identified, prior to the trial, a person alleged to have committed an

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Cross Heading: Evidence by children in criminal trials is up to date with all changes known to be in force on or before 26 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

offence, the evidence of a third party as to the identification of that person by the child prior to the trial shall be admissible as evidence as to such identification.

Textual Amendments

- F3** Words in s. 58 repealed (31.3.1996) by 1995 c. 20, s. 117(1)(2), Sch. 6 paras. 174, 176, **Sch. 7 Pt. 1**; S.I. 1996/517, **art. 3(2)**

Modifications etc. (not altering text)

- C1** S. 58 applied (1.1.1994) by 1993 c. 9, s. 35 (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(5)**.

Commencement Information

- I1** S. 58 wholly in force 3.4.1997; s. 58 not in force at Royal Assent see 75(2); s. 58 in force for certain purposes at 30.9.1991 by S.I. 1991/2151, **art. 3, Sch.**; s. 58 in force at 3.4.1995 in so far as not already in force by S.I. 1995/364, **art. 2**

59 Interpretation of sections 56, 57 and 58.

In sections 56, 57 and 58 of this Act, unless the contrary intention appears—
 “child” means a person under the age of 16 years;
 “court” means the High Court of Justiciary or the sheriff court; and
 “trial” means a trial under solemn or under summary procedure.

Commencement Information

- I2** S. 59 wholly in force 3.4.1995; s. 59 not in force at Royal Assent see s. 75(2); s. 59 in force for certain purposes at 30.9.1991 by S.I. 1991/2151, **art. 3, Sch.**; s. 59 in force at 3.4.1995 in so far as not already in force by 1995/364, art. 2

Changes to legislation:

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Cross Heading: Evidence by children in criminal trials is up to date with all changes known to be in force on or before 26 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.

[View outstanding changes](#)

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. 21A(1)(c) words substituted by [2007 asp 5 Sch. 5 para. 3\(7\)\(a\)\(iii\)](#)
- s. 33(6) inserted by [2007 asp 5 Sch. 5 para. 3\(11\)](#)