



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART IV

MISCELLANEOUS REFORMS

Evidence by children in criminal trials

56 Evidence of children through television link in criminal proceedings

- (1) Subject to subsections (2) and (3) below, where a child has been cited to give evidence in a trial, the court may, on an application being made to it, authorise the giving of evidence by the child by means of a live television link.
- (2) The court may grant an application under subsection (1) above only on cause shown having regard in particular to—
 - (a) the possible effect on the child if required to give evidence, no such application having been granted; and
 - (b) whether it is likely that the child would be better able to give evidence if such application were granted.
- (3) In considering whether to grant an application under subsection (1) above, the court may take into account, where appropriate, any of the following—
 - (a) the age and maturity of the child;
 - (b) the nature of the alleged offence;
 - (c) the nature of the evidence which the child is likely to be called on to give; and
 - (d) the relationship, if any, between the child and the accused.

57 Transfer of cases in which child's evidence is to be given through television link

- (1) Where a sheriff to whom an application has been made under section 56 of this Act would have granted the application but for the lack of accommodation or equipment

necessary to achieve the purpose of the application, he may by order transfer the case to any sheriff court which has such accommodation and equipment available, being a sheriff court in the same sheriffdom.

- (2) The sheriff court to which a case is transferred under this section shall be deemed to have granted an application under that section in relation to the case.

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 cited to give evidence in a trial, and the child gives evidence that he recalls having identified, prior to the trial, a person alleged to have committed an 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.

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.