

SCHEDULE 2

CRIMINAL PROCEDURE RULES 1996

PART VI

Evidence

CHAPTER 22

EVIDENCE OF CHILDREN

Applications for evidence of children by television link

22.1.—(1) An application to the court under section 271(5) of the Act of 1995 (authorisation of the giving of evidence by a child by means of a live television link) shall be made by petition in Form 22.1.

(2) A petition referred to in paragraph (1) shall—

- (a) where it relates to proceedings in the High Court, be lodged with the Clerk of Justiciary, or
- (b) where it relates to proceedings in the sheriff court, be lodged with the sheriff clerk,

not later than 14 days before the trial diet (except on special cause shown).

(3) The High Court or the sheriff, as the case may be, shall—

- (a) order intimation of the petition to be made to the other party or parties to the proceedings; and
- (b) fix a diet for hearing the petition on the earliest practicable date.

Orders and transfer of cases

22.2.—(1) After hearing the parties and allowing such further procedure as the court thinks fit—

- (a) the High Court or the sheriff, as the case may be, may make an order granting or refusing the application; or
- (b) where section 271(9) of the Act of 1995 (transfer of cases in which child’s evidence is to be given through television link) applies, the sheriff may make an order under that section transferring the case to another sheriff court in the same sheriffdom.

(2) Where the sheriff makes an order under paragraph (1)(b) transferring the case to another sheriff court (the “receiving court”), the sheriff clerk shall forthwith transmit the record copy of the indictment or the complaint, the minute of proceedings, any productions and any relevant documents to the clerk of the receiving court.