



Children (Scotland) Act 2020

2020 asp 16

Vulnerable witnesses and parties

5 Vulnerable witnesses: requirement to consider special measures without application in certain cases

- (1) The Vulnerable Witnesses (Scotland) Act 2004 is modified as follows.
- (2) In section 12 (orders authorising the use of special measures for vulnerable witnesses), after subsection (6) insert—
 - “(6A) If the witness is deemed to be a vulnerable witness by virtue of section 11B—
 - (a) before the proof or other hearing at which the witness is to give evidence the court must either—
 - (i) make an order under subsection (6) authorising the use of a special measure for the purpose of taking the witness’s evidence, or
 - (ii) make an order that the witness is to give evidence without the benefit of any special measure,
 - (b) the court is to do so whether or not a vulnerable witness application is made.”.