



# Victims and Witnesses (Scotland) Act 2014

## 2014 asp 1

### *Vulnerable witnesses*

#### **11 Child and deemed vulnerable witnesses**

- (1) In section 71(2XA) of the 1995 Act (first diet), for “child” substitute “vulnerable”.
- (2) In section 72(6)(b)(ii) of the 1995 Act (preliminary hearing procedure), for “child” substitute “vulnerable”.
- (3) In section 271(5) of the 1995 Act (definitions for sections 271A to 271M of the 1995 Act)—
  - (a) before the definition of “court”, insert—

““child witness” means a vulnerable witness referred to in subsection (1)(a),” and
  - (b) after that definition, insert—

““deemed vulnerable witness” means a vulnerable witness referred to in subsection (1)(c),”.
- (4) In section 271A of the 1995 Act (child witnesses)—
  - (a) in subsection (1)—
    - (i) after “child witness”, where it first occurs, insert “ or a deemed vulnerable witness ”, and
    - (ii) the word “child”, where it second occurs, is repealed,
  - (b) in subsection (2)—
    - (i) after “child witness”, where it first occurs, insert “ or a deemed vulnerable witness ”,
    - (ii) for “child”, where it second occurs, substitute “vulnerable”, and
    - (iii) in each of paragraphs (a) and (b), the word “child” is repealed,
  - (c) in each of subsections (3) and (4), for “child” substitute “vulnerable”,
  - (d) after subsection (3), insert—

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*Changes to legislation: There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Section 11. (See end of Document for details)*

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- “(3A) In the case where a vulnerable witness notice under subsection (2)(a) specifies only a standard special measure, subsection (3)(a) does not apply.”.
- (e) in subsection (5)—
    - (i) for “child”, where it first occurs, substitute “vulnerable”, and
    - (ii) in paragraphs (a), (b) and (c), the word “child”, in each place where it occurs, is repealed,
  - (f) in subsection (5A)—
    - (i) in paragraph (a), for “child” substitute “vulnerable”, and
    - (ii) in paragraph (b), for “child” substitute “vulnerable”,
  - (g) in subsection (6)—
    - (i) in paragraph (a), after “child witness” insert “or a deemed vulnerable witness”,
    - (ii) in paragraph (b), for “child”, where it first occurs, substitute “vulnerable”,
    - (iii) in paragraph (b), the word “child”, where it second occurs, is repealed,
    - (iv) in paragraph (c), for “child”, where it first occurs, substitute “vulnerable”, and
    - (v) in paragraph (c), the word “child”, where it second occurs, is repealed,
  - (h) in subsection (7)(a)—
    - (i) for “child”, where it first occurs, substitute “vulnerable”, and
    - (ii) the word “child”, where it second occurs, is repealed,
  - (i) in subsection (8A)(a)—
    - (i) in sub-paragraph (i), for “child” substitute “vulnerable”, and
    - (ii) in paragraph (ii), the word “above”, where it second occurs, is repealed,
  - (j) in subsection (9), the word “child”, in each place where it occurs, is repealed,
  - (k) in subsection (10), the word “child”, in each place where it occurs, is repealed,
  - (l) in subsection (11)(a), the word “child” is repealed, and
  - (m) in subsection (13), for “child” substitute “vulnerable”.
- (5) The title of section 271A of the 1995 Act becomes “**Child and deemed vulnerable witnesses**”.
- (6) The title of section 271C of the 1995 Act becomes “**Vulnerable witness application**”.
- (7) In section 271E(1)(a) of the 1995 Act (party considering vulnerable witness notice or application), for “child” substitute “vulnerable”.
- (8) In section 271F(2)(a) of the 1995 Act (modifications of section 271 in relation to accused giving evidence as a child witness)—
- (a) in paragraph (a)(i), for “child witness (except in the phrase “child witness notice”)” substitute “witness”, and
  - (b) in paragraph (a)(ii), the word “child” is repealed.
- (9) In section 288E of the 1995 Act (prohibition of personal conduct of defence in certain cases involving child witnesses under the age of 12), in each of subsections (5) and (7) for “child” substitute “vulnerable”.

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**Commencement Information**

- II** S. 11 in force at 1.9.2015 with effect in accordance with art. 1(3) by [S.S.I. 2015/200](#), art. 2(2), [Sch.](#) (with [art. 4](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Section 11.