



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 3 **S**

MISCELLANEOUS AND GENERAL

Abolition of the competence test

24 **Abolition of the competence test for witnesses in criminal and civil proceedings** **S**

- (1) The evidence of any person called as a witness (referred to in this section as “the witness”) in criminal or civil proceedings is not inadmissible solely because the witness does not understand—
 - (a) the nature of the duty of a witness to give truthful evidence, or
 - (b) the difference between truth and lies.
- (2) Accordingly, the court must not, at any time before the witness gives evidence, take any step intended to establish whether the witness understands those matters.

Commencement Information

II [S. 24](#) in force at 1.4.2005 by [S.S.I. 2005/168](#), [art. 2](#), [Sch.](#) (with [art. 4](#))

Commencement and short title

25 **Commencement and short title** **S**

- (1) This Act (except this section) comes into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (2) Different days may be appointed under this section for—
 - (a) different courts or descriptions of court,
 - (b) different proceedings or types of proceedings, or
 - (c) other different purposes.

Changes to legislation: *Vulnerable Witnesses (Scotland) Act 2004, Part 3 is up to date with all changes known to be in force on or before 30 May 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*

- (3) An order under this section may contain such transitional, transitory and saving provision as the Scottish Ministers consider necessary or expedient.
- (4) This Act may be cited as the Vulnerable Witnesses (Scotland) Act 2004.

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[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. 11A11B inserted by [2020 asp 16 s. 4\(3\)](#)
- s. 12(3A) inserted by [2020 asp 16 s. 4\(4\)](#)
- s. 12(6A) inserted by [2020 asp 16 s. 5\(2\)](#)
- s. 22B-22D inserted by [2020 asp 16 s. 4\(5\)](#)