



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 2

CIVIL PROCEEDINGS

Evidence of children and other vulnerable witnesses: special measures

19 Taking of evidence by a commissioner

- (1) Where the special measure to be used is taking of evidence by a commissioner, the court must appoint a commissioner to take the evidence of the vulnerable witness in respect of whom the special measure is to be used.
- (2) Proceedings before a commissioner appointed under subsection (1) above must be recorded by video recorder.
- (3) A party to the proceedings—
 - (a) must not, except by leave of the court, be present in the room where such proceedings are taking place, but
 - (b) is entitled by such means as seem suitable to the court to watch and hear the proceedings.
- (4) The recording of the proceedings made in pursuance of subsection (2) above is to be received in evidence without being sworn to by witnesses.

Commencement Information

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| I1 | S. 19 in force at 30.11.2005 for specified purposes by S.S.I. 2005/590 , art. 2 , Sch. (with art. 4) |
| I2 | S. 19 in force at 1.4.2006 for specified purposes by S.S.I. 2006/59 , art. 2 , Sch. (with art. 4) |
| I3 | S. 19 in force at 1.11.2007 for specified purposes by S.S.I. 2007/447 , art. 3 , Sch. (with art. 4) |

Changes to legislation:

Vulnerable Witnesses (Scotland) Act 2004, Section 19 is up to date with all changes known to be in force on or before 26 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.

[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\(5\)](#)