



# Vulnerable Witnesses (Scotland) Act 2004

## 2004 asp 3

### PART 1

#### CRIMINAL PROCEEDINGS

##### *Prohibition of personal conduct of defence in cases involving vulnerable witnesses*

- 7 Special pre-trial procedures for ascertaining in such cases whether accused has engaged a solicitor**
- (1) In section 71 (first diet) of the 1995 Act—
- (a) in subsection (A1)—
    - (i) after “diet” there is inserted “ in proceedings to which subsection (B1) below applies ”,
    - (ii) the words from “where” to “applies” are repealed, and
    - (iii) for “he” substitute “ the accused ”,
  - (b) after that subsection there is inserted—

“(B1) This subsection applies to proceedings—

    - (a) in which the accused is charged with a sexual offence to which section 288C of this Act applies,
    - (b) to which section 288E of this Act applies, or
    - (c) in which an order under section 288F(2) of this Act has been made before the trial diet.”,
  - (c) in subsection (5A), for paragraph (a) there is substituted—

“(a) the proceedings in which the first diet is being held are proceedings to which subsection (B1) above applies;”.
- (2) In section 71A (further pre-trial diet in sheriff court solemn proceedings: dismissal or withdrawal of solicitor representing accused in case of sexual offence) of the 1995 Act, in subsection (1)(a), for the words “charged with a sexual offence to which section 288C” there is substituted “ in proceedings to which subsection (B1) of section 71 ”.
- (3) In section 72A (pre-trial diet in High Court proceedings: inquiry about legal representation of accused in cases of sexual offences) of the 1995 Act—

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*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: Vulnerable Witnesses (Scotland) Act 2004, Section 7 is up to date with all changes known to be in force on or before 01 July 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)*

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(a) in subsection (1), for the words from the beginning to “Act” there is substituted “ In proceedings to which this section ”,

(b) after that subsection there is inserted—

“(1A) This section applies to proceedings in the High Court—

(a) in which the accused is charged with a sexual offence to which section 288C of this Act applies,

(b) to which section 288E of this Act applies, or

(c) in which an order under section 288F(2) of this Act has been made before the trial diet.”.

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**Commencement Information**

**I1** S. 7(1)(3) in force at 1.4.2005 for specified purposes by S.S.I. 2005/168, art. 2, Sch. (with art. 4)

**I2** S. 7(1)(3) in force at 1.4.2006 for specified purposes by S.S.I. 2006/59, art. 2, Sch. (with art. 4)

**Status:**

Point in time view as at 01/04/2006.

**Changes to legislation:**

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