



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 4

### EVIDENCE

#### 87 Special measures for child witnesses and other vulnerable witnesses

- (1) The 1995 Act is amended as follows.
- (2) In section 271 (vulnerable witnesses: main definitions)—
  - (a) in subsection (1)—
    - (i) for “a trial” substitute “a hearing in relevant criminal proceedings”,  
and
    - (ii) for “the trial”, wherever it occurs, substitute “the hearing”, and
  - (b) in subsection (5)—
    - (i) the definition of “trial” is repealed, and
    - (ii) after the definition of “court” insert—

““hearing in relevant criminal proceedings” means any hearing in the course of any criminal proceedings in the High Court or the sheriff court.”.
- (3) In section 271A (child witnesses)—
  - (a) in subsection (1), for “a trial” substitute “a hearing in relevant criminal proceedings”,
  - (b) in subsection (5A)(c), for “the trial diet” substitute “the hearing at which the evidence is to be given”,
  - (c) in subsection (6)(a), for “the trial” substitute “a hearing in relevant criminal proceedings”,
  - (d) in subsection (7)(b)(ii), for “the trial” substitute “the hearing at which the evidence is to be given”,
  - (e) in subsection (8), for “the trial diet” substitute “the hearing at which the evidence is to be given”,

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*Status: This is the original version (as it was originally enacted).*

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- (f) in subsection (10)(b)(i), for “the trial diet” substitute “the hearing at which the evidence is to be given”,
  - (g) in subsection (12), for “the trial diet in the case” substitute “the hearing at which the evidence is to be given”, and
  - (h) in subsection (13A)(c), for “the trial diet” substitute “the hearing at which the evidence is to be given”.
- (4) In section 271B (further special provision for child witnesses under the age of 12)—
- (a) in subsection (1)(a), for “a trial” substitute “a hearing in relevant criminal proceedings”,
  - (b) in subsection (1)(b), for “the trial” substitute “the hearing”, and
  - (c) in subsection (3)(b)(i), for “the trial” substitute “the hearing”.
- (5) In section 271C (vulnerable witnesses other than child witnesses)—
- (a) in subsection (1), for “a trial” substitute “a hearing in relevant criminal proceedings”,
  - (b) in subsection (5A)(c), for “the trial diet” substitute “the hearing at which the evidence is to be given”,
  - (c) in subsection (6), for “the trial diet” substitute “the hearing at which the evidence is to be given”,
  - (d) in subsection (10), for “the trial diet in the case” substitute “the hearing at which the evidence is to be given”, and
  - (e) in subsection (12)(c), for “the trial diet” substitute “the hearing at which the evidence is to be given”.
- (6) In section 271D (review of arrangements for vulnerable witnesses)—
- (a) in subsection (1)—
    - (i) for “the trial”, where it first occurs, substitute “a hearing in relevant criminal proceedings”, and
    - (ii) for “the trial”, where it second occurs, substitute “the hearing”, and
  - (b) in subsection (4)(b)(i), for “the trial” substitute “the hearing”.
- (7) In section 271F (the accused)—
- (a) in subsection (1)—
    - (i) for “the trial”, where it first occurs, substitute “a hearing in relevant criminal proceedings”, and
    - (ii) for “the trial”, where it second occurs (in subsection (1)(a)), substitute “the hearing”,
  - (b) in subsection (2)—
    - (i) for “the trial”, where it first occurs, substitute “the hearing”,
    - (ii) for “the trial”, where it second occurs (in subsection (2)(a)(iii)), substitute “a hearing in relevant criminal proceedings”, and
    - (iii) for “the trial”, where it third occurs (in subsection (2)(b)(i)), substitute “a hearing in relevant criminal proceedings”,
  - (c) in subsection (3), for “the trial” substitute “a hearing in relevant criminal proceedings”, and
  - (d) in subsection (5), for “the trial” substitute “the hearing”.
- (8) In section 271J (live television link)—
- (a) in subsection (1), for “the trial” substitute “the hearing”,

- (b) in subsection (2)(b), for “the trial” substitute “the hearing”, and
  - (c) in subsection (5)(a), for “the trial” substitute “the hearing”.
- (9) In section 271L (supporters), in subsection (2), for “the trial” substitute “that or any other hearing in the proceedings”.
- (10) In section 288E (prohibition of personal conduct of defence in certain cases involving child witnesses under the age of 12), in subsection (5), for “a child witness referred to in subsection (2)(b) above” substitute “the trial”.