

VICTIMS AND WITNESSES (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

National Confidential Forum

Section 31 – Schedule 1A

Schedule 1A – Part 4 – Conduct of Hearings

124. Part 4 sets out how the hearings of the Forum will be conducted.
125. Paragraph 8(2) requires the Forum to make arrangements for participants to give testimony, either at a hearing of the Forum or by other means whether in writing or orally.
126. Paragraph 8(3) requires that at least two members of the Forum be present at a hearing and that hearings be held in private.
127. Paragraph 8(4) explains that a Forum hearing is defined as being “private” provided no one other than the person giving testimony, anyone accompanying that person and members of the Forum and Forum staff are present.
128. Paragraph 8(5) enables the Forum to determine its own procedures for hearing testimony, otherwise than is provided for in paragraph 8. This is subject to the duty to avoid any unnecessary cost to public funds, participants or others in undertaking its work and carrying out its functions.

Recording of testimony

129. Paragraph 9 provides that the Forum may decide how it will record testimony and any other information it receives from persons who take part in hearings. In practice, this may include audio recording or recording in writing and could be undertaken with the participant face-to-face or remotely.
130. Paragraph 9(2) sets out a requirement that the Forum take steps, as soon as reasonably practicable, to organise the information it receives so as to preserve confidentiality, in particular the anonymity of the person giving the testimony and any other individuals or institutions mentioned in testimony.

Payment of expenses

131. Paragraph 10 authorises the Forum to require the Commission to pay reasonable expenses to participants and those who accompany participants to Forum hearings. This will comprise travel and subsistence associated with participation in the Forum.