



# Victims and Witnesses (Scotland) Act 2014

2014 asp 1

## *Vulnerable witnesses*

### **16 Other vulnerable witnesses: assessment and application**

(1) After section 271B of the 1995 Act, insert—

#### **“271BA Assessment of witnesses**

- (1) This section applies where a party intends to cite a witness other than a child witness or a deemed vulnerable witness to give evidence at, or for the purposes of, a hearing in relevant criminal proceedings.
  - (2) The party intending to cite the witness must take reasonable steps to carry out an assessment under subsection (3).
  - (3) An assessment must determine whether the person—
    - (a) is likely to be a vulnerable witness, and
    - (b) if so, what special measure or combination of special measures ought to be used for the purpose of taking the person's evidence.
  - (4) In determining under subsection (3)(a) whether a person is likely to be a vulnerable witness the party must—
    - (a) take into account the matters mentioned in section 271(2),
    - (b) have regard to the best interests of the person, and
    - (c) take account of any views expressed by the person.”.
- (2) In section 271C(1) of the 1995 Act (citation of vulnerable witnesses)—
- (a) after “witness”, where it first occurs, insert “or a deemed vulnerable witness”, and
  - (b) before “considers” insert “and, having carried out an assessment under section 271BA,”.