



# Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019

## 2019 asp 8

### *Reporting requirement*

#### **9 Report on operation of sections 1 and 5**

- (1) The Scottish Ministers must prepare a report—
  - (a) evaluating whether the amendments made by sections 1 and 5 have helped witnesses participate in the criminal justice system during the review period, and
  - (b) setting out the next steps that the Scottish Ministers intend to take in relation to—
    - (i) the commencement of section 1 for any purpose for which it has not yet been commenced by the time the report is prepared, and
    - (ii) the exercise of the power conferred by section 271BZD of the 1995 Act.
- (2) The report must include the following information—
  - (a) the number of witnesses that section 271BZA of the 1995 Act applied to during the review period (“relevant witnesses”),
  - (b) the percentage of relevant witnesses whose evidence had, by the time the report is prepared, been taken by a commissioner,
  - (c) the percentage of relevant witnesses who, having had their evidence taken by a commissioner, had by the time the report is prepared had their evidence used at a trial diet,
  - (d) the reason that—
    - (i) the evidence of any relevant witness had not been taken by a commissioner by the time the report is prepared, despite a court having made an order authorising its being taken in that way,
    - (ii) the evidence of any relevant witness that was taken by a commissioner had not been used at a trial diet by the time the report is prepared.
- (3) In preparing the report, the Scottish Ministers must consult—
  - (a) the Lord President,

- (b) the Scottish Courts and Tribunals Service,
  - (c) the Crown Office and Procurator Fiscal Service,
  - (d) the chief constable of the Police Service of Scotland,
  - (e) the Scottish Legal Aid Board,
  - (f) the Law Society of Scotland,
  - (g) the Faculty of Advocates,
  - (h) persons or bodies who provide support to child witnesses (within the meaning of section 271(5) of the 1995 Act).
- (4) The Scottish Ministers must—
- (a) lay the report before the Scottish Parliament, and
  - (b) make it publicly available,
- as soon as practicable after the end of the review period.
- (5) In this section—
- “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,
  - “the review period” means the period of 3 years beginning with the day that section 1 comes into force for any purpose.