

SCHEDULE

FORM 75

Rule 3.67

Section 12

VULNERABLE WITNESSES (SCOTLAND) ACT 2004

Received the day of 20.... (Date of receipt of this notice) [signed] Sheriff Clerk

CHILD WITNESS NOTICE

Sheriff Court 20....
(Court Ref. No.)

1. [A.B.] (the applicant) is a party to [an appeal under section 51] or [an application under section [65(7)] or [65(9)] or [85(1)]] of the Children (Scotland) Act 1995. [(Specify nature of interest of the party.)]

2. The applicant [has cited [or intends to cite]] [C.D.] (date of birth) as a witness.

3. [C.D.] is a child witness under section 11 of the Vulnerable Witnesses (Scotland) Act 2004 [and was under the age of sixteen on the date of the commencement of proceedings].

4. The applicant considers [that the following special measure[s] is [are] the most appropriate for the purpose of taking the evidence of [C.D.]] or [that [C.D.] should give evidence without the benefit of any special measure]:

(delete as appropriate and specify any special measure(s) sought).

5. [(a) The reason[s] this [these] special measure[s] is [are] considered the most appropriate is [are] as follows:-

(here specify reason(s) for the special measure(s) sought).]

OR

[(b) The reason[s] it is considered that [C.D.] should give evidence without the benefit of any special measure is [are]

(here explain why it is felt that no special measures are required).

6. [C.D.] [and the parent[s] of] or [person[s] with parental responsibility for] [C.D.]] have expressed the following view[s] on [the special measure[s] that is [are] considered most appropriate] or [the appropriateness of [C.D.] giving evidence without the benefit of any special measure]:-

(delete as appropriate and set out the view(s) expressed and how they were obtained).

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7. Other information considered relevant to this application is as follows:—
(here set out any other information relevant to the child witness notice).
8. The applicant asks the court to—
- (a) consider this child witness notice;
 - (b) make an order authorising the special measure[s] sought; or
 - (c) make an order authorising the giving of evidence by [C.D.] without the benefit of special measures.
- (delete as appropriate)*

..... (Signed)
[A.B.]
or [legal representative of A.B.] *(include full designation)*

NOTE: This form should be suitably adapted where section 16 of the Act of 2004 applies.

FORM 76

Rule 3.68

Section 12

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

VULNERABLE WITNESSES (SCOTLAND) ACT 2004
CERTIFICATE OF INTIMATION

[Sheriff Court.....]

[.....20....]

[Court Ref. No.]

I certify that intimation of the child witness notice relating to [name of child] was made to (insert names of parties or solicitors for parties, as appropriate) by (insert method of intimation: where intimation is by facsimile transmission, insert fax number to which intimation sent) on (insert date of intimation).

Date:

.....

Signed

Solicitor [or Sheriff Officer]

(include full business designation)

FORM 77

Rule 3.70

Section 13

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

VULNERABLE WITNESSES (SCOTLAND) ACT 2004

Received the day of 20.... (Date of receipt of this notice) [signed] Sheriff Clerk
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APPLICATION FOR REVIEW OF ARRANGEMENTS FOR VULNERABLE WITNESS

Sheriff Court..... 20....
(Court Ref. No.)

1. [A.B.], the applicant, is a party to [an appeal under section 51] or [an application under section [65(7)] or [65(9)] or [85(1)]] of the Children (Scotland) Act 1995. [(Specify nature of interest of the party.)]

2. A hearing is fixed for [date] at [time].

3. [C.D.] is a witness who is to give evidence at, or for the purposes of, the hearing. [C.D.] is a child witness under section 11 of the Vulnerable Witnesses (Scotland) Act 2004.

4. The current arrangements for taking the evidence of [C.D.] are (here specify current arrangements).

5. The current arrangements should be reviewed as (here specify reasons for review).

6. [C.D.] and [the parent(s) of] or [person(s) with parental responsibility for] [C.D.]] have expressed the following view(s) on [the special measure(s) that is [are] considered most appropriate] or [the appropriateness of [C.D.] giving evidence without the benefit of any special measure]:

(delete as appropriate and set out the view(s) expressed and how they were obtained).

7. The applicant seeks (here specify the order sought).

..... (Signed)
[A.B.]
[or Legal representative of A.B.] (include full designation)

NOTE: This form should be suitably adapted where section 16 of the Act of 2004 applies.

FORM 78

Rule 3.71(2)

Section 13

VULNERABLE WITNESSES (SCOTLAND) ACT 2004

Sheriff Court 20...
[Court Ref. No.]

CERTIFICATE OF INTIMATION

I certify that intimation of the review application relating to [name of child] was made to *(insert names of parties or solicitors for parties, as appropriate)* by *(insert method of intimation; where intimation is by facsimile transmission, insert fax number to which intimation sent)* on *(insert date of intimation)*.

Date

..... Signed
Solicitor [or Sheriff Officer]
(include full business designation)

FORM 79

Rule 3.77

Section 68B

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

CHILDREN (SCOTLAND) ACT 1995

<p>Received the day of 20....</p> <p>(Date of receipt of this notice)</p> <p>..... [signed]</p> <p>Sheriff Clerk</p>
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APPLICATION FOR ADMISSION OF EVIDENCE OR ALLOWANCE OF QUESTIONING

Sheriff Court..... 20....
(Court Ref. No.)

1. [A.B.], the applicant, is a party to an application under section [65(1)] or [65(9)] or [85(1)] of the Children (Scotland) Act 1995 in relation to the child [C.D.]. [(Specify nature of interest of the party.)]

2. A hearing is fixed for [(date)] at [(time)].

3. The applicant asks the court to admit, or allow questioning designed to elicit, evidence which shows or tends to show that [C.D.] or [other witness]:

- * is not of good character (whether in relation to sexual matters or otherwise);
- * has, at any time, engaged in sexual behaviour not forming part of the subject matter of the ground of referral;
- ^ has, at any time (other than shortly before, at the same time as or shortly after the acts which form part of the subject matter of the ground of referral), engaged in such behaviour, not being sexual behaviour, as might found the inference that the witness is not a credible or reliable witness;
- " has, at any time, been subject to any such condition or predisposition as might found the inference that the witness is not a credible or reliable witness.

4. The circumstances justifying this application are:

(here set out these circumstances with particular reference to section 68B(1)(a), (b) and (c) of the Act).

..... (Signed)
[A.B.]
or [Legal representative of A.B.] (include full designation)

FORM 80

Rule 3.78

Section 68B

CHILDREN (SCOTLAND) ACT 1995

Sheriff Court.....20....
(Court Ref. No.)

CERTIFICATE OF INTIMATION

I certify that intimation of the application for [admission of evidence]/[allowance of questioning] was made to (insert names of parties or solicitors for parties, as appropriate) by (insert method of intimation; where intimation is by facsimile transmission, insert fax number to which intimation sent) on (insert date of intimation).

Date:

..... Signed
Solicitor [or Sheriff Officer]
(include full business designation)