
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

These Rules amend the Act of Sederunt (Child Care and Maintenance Rules) 1997 (“the 1997 Rules”) (S.I. 1997/291) to make provision for the making of vulnerable witness applications (under section 12 of the Vulnerable Witnesses (Scotland) Act 2004) in proceedings under sections 51(1), 65(7) and (9) and 85(1) of the Children (Scotland) Act 1995.

Paragraph 2(3) inserts new rules 3.69A and 3.69B to provide for a form of vulnerable witness application and for intimation of such application by the party making the application to all other parties to the proceedings and any safeguarder.

Paragraph 2(3) also inserts a new rule 3.69C which allows the sheriff to authorise the use of special measures without holding a hearing. The sheriff may also, subject to any statutory time limits, alter the date of the proof or hearing at which the vulnerable witness is to give evidence. Where the sheriff decides to fix a hearing, rule 3.69C provides for intimation of the order fixing the hearing.

Paragraphs 4 and 5 make consequential amendments to rules 3.72 to 3.75 to allow for the application of those rules to vulnerable witness applications.

Paragraph 6 amends some of the forms set out in the 1997 Rules to provide for proceedings in relation to vulnerable witness applications.