

SCHEDULE

Paragraph 2(7)

PART 1

FORM 22.1A

Rule 22.1A

Form of vulnerable witness application under section 271C(2) of the Criminal Procedure (Scotland) Act 1995

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF OF *(name of sheriffdom)* AT *(place)*]

VULNERABLE WITNESS APPLICATION

by

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL, *(place)*]

[or **[A.B.]** *(address)*]

[or Prisoner in the Prison of *(place)*]]

Prosecution reference.....

Court reference.....

HUMBLY SHEWETH:

1. That **[A.B.]**, *(date of birth)* [, along with *(names)* of co-accused] has been indicted on *(date of indictment)* at the instance of Her Majesty's Advocate with a preliminary hearing [or a trial diet] in the High Court of Justiciary sitting at *(place)* on *(date)* [or with a first diet on *(date)* and a trial diet on *(date)* in the sheriff court of *(place)*].

2. That **[A.B.]** is charged with *(specify charge)*[, which is an offence to which section 288C of the Criminal Procedure (Scotland) Act 1995 applies][or an order has been made under section 288(2) of the Criminal Procedure (Scotland) Act 1995].

3. That the applicant has cited [or intends to cite] **[C.D.]**, *(date of birth)* as a witness who is to [or **[A.B.]** may] give evidence at, or for the purposes of, the trial.

4. That **[C.D.]** [or **[A.B.]**] is likely to be a vulnerable witness under section 271(1)(b) of the Criminal Procedure (Scotland) Act 1995 for the following reasons:-

(here specify reasons witness is considered likely to be a vulnerable witness).

5. The following special measure[s] is [or are] considered the most appropriate for the purpose of taking the evidence of **[C.D.]** [or the applicant]:-

(here specify all special measures sought)

The reason[s] this [or these] special measure[s] is [or are] considered the most appropriate is [or are] as follows:-

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(here specify reason(s) for the special measure(s) including any information known on the possible effect on the witness if required to give evidence without the benefit of any special measures).

6. That [C.D.] [or [A.B.]] has expressed the following view[s]:–

(here set out the view(s) expressed, how and when they were obtained).

7. [That other information considered relevant to this application is as follows:

(here set out any other information relevant to the vulnerable witness application)]

8. That the applicant has intimated a copy of this Application on [A.B.] [or the legal representative of [A.B.]] [or on the Crown Agent] [or the Procurator Fiscal].

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]–

- (a) to authorise the special measure[s] sought; and
- (b) to do otherwise as to your Lordship[s] shall seem proper;
- (c) to require the clerk of court to intimate the order to *(specify)*.

ACCORDING TO JUSTICE, etc.

(Signed)

[A.B.]

[or Legal representative of [A.B.]]

[or Prosecutor]

(Address, e-mail address and telephone number of agent).