
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 464

**Act of Sederunt (Sheriff Court Company
Insolvency Rules 1986) Amendment (Vulnerable
Witnesses (Scotland) Act 2004) 2007**

Amendment of the Sheriff Court Company Insolvency Rules

2.—(1) The Act of Sederunt (Sheriff Court Company Insolvency Rules) 1986⁽¹⁾ shall be amended in accordance with the following sub paragraph.

(2) After rule 35 (failure to comply with rules) there shall be inserted the following:—

“Vulnerable witnesses

35A.—(1) At any hearing on an application under these rules the sheriff shall ascertain whether there is or is likely to be a vulnerable witness who is to give evidence at or for the purposes of any proof or hearing, consider any child witness notice or vulnerable witness application that has been lodged where no order has been made under section 12(1) or (6) of the Vulnerable Witnesses (Scotland) Act 2004⁽²⁾ and consider whether any order under section 12(1) of that Act requires to be made.

(2) Except where the sheriff otherwise directs, where a vulnerable witness is to give evidence at or for the purposes of any proof or hearing in an application under these rules, any application in relation to the vulnerable witness or special measure that may be ordered shall be dealt with in accordance with the rules within Chapter 45 of the Ordinary Cause Rules⁽³⁾ in the First Schedule to the Sheriff Courts (Scotland) Act 1907⁽⁴⁾.

(3) In this rule, “vulnerable witness” means a witness within the meaning of section 11(1) of the Vulnerable Witnesses (Scotland) Act 2004.”.

⁽¹⁾ S.I.1986/2297 amended by S.S.I. 2003/388, 2006/198 and 200.

⁽²⁾ 2004 asp 3.

⁽³⁾ Chapter 45 was inserted by S.S.I. 2007/463.

⁽⁴⁾ 1907 c. 51.