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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 467**

**Act of Sederunt (Sheriff Court Bankruptcy Rules 1996)  
Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007**

**Amendment of the Sheriff Court Bankruptcy Rules**

**2.—(1)** The Sheriff Court Bankruptcy Rules<sup>(1)</sup> shall be amended in accordance with the following sub-paragraph.

(2) After rule 19 (UNCITRAL Model Law on Cross-Border Insolvency)<sup>(2)</sup> there shall be inserted the following:—

**“Vulnerable witnesses**

**20.—(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 of 2004<sup>(3)</sup> 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<sup>(4)</sup> in the First Schedule to the Sheriff Courts (Scotland) Act 1907<sup>(5)</sup>.

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

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(1) S.I.1996/2507, amended by S.S.I. 2002/560, 2004/534 and 2006/197.

(2) Rule 19 was inserted by S.S.I. 2006/197.

(3) 2004 asp.3.

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

(5) 1907 c. 51.