

2008 No. 57 (C. 7)

SHERIFF COURT

**The Vulnerable Witnesses (Scotland) Act 2004 (Commencement
No. 7, Savings and Transitional Provisions) Order 2008**

Made - - - -

20th February 2008

The Scottish Ministers make the following Order in exercise of the powers conferred by section 25 of the Vulnerable Witnesses (Scotland) Act 2004(a).

Citation and interpretation

1.—(1) This Order may be cited as the Vulnerable Witnesses (Scotland) Act 2004 (Commencement No. 7, Savings and Transitional Provisions) Order 2008.

(2) In this Order, “the 2004 Act” means the Vulnerable Witnesses (Scotland) Act 2004.

Appointed day

2. 1st April 2008 is the day appointed for the coming into force, insofar as not already in force, of the following provisions of the 2004 Act—

- section 1,
- section 2 (other than subsections (2) and (3)),
- section 3,
- section 6, and
- section 9.

Savings and Transitional Provisions

3. The provisions of the 2004 Act brought into force by this Order shall apply only to summary proceedings commenced on or after 1st April 2008, with proceedings being taken to have commenced when a report of the case has been received by the procurator fiscal.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
20th February 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Commencement Order brings into force various provisions of the Vulnerable Witnesses (Scotland) Act 2004 (“the Act”), insofar as not already in force.

Previous commencement orders (S.S.I. 2005/168, S.S.I. 2005/590, S.S.I. 2006/59, S.S.I. 2007/101 and S.S.I. 2007/329) brought into force the special measures in Part 1 of the Act in respect of child and adult vulnerable witnesses in solemn proceedings in the High Court and sheriff court and child witnesses in summary proceedings in the sheriff court. This Order now brings into force the special measures in Part 1 in respect of adult vulnerable witnesses in summary proceedings in the sheriff court.

With the commencement of the provisions specified in article 2 of this Order, Part 1 of the Act (with the exception of section 2(2) and (3)) is fully in force. Section 2(2) and (3) has been superseded by section 1 of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 (partially), 2 (partially), 3 (partially), 4, 5, 6 (partially), 7(1) and (3) (partially), 8 (partially), 11(1)(a), (3) and (5) (partially), 12(1) to (4) (partially), 13 (partially), 14 (partially), 15 (partially), 16 (partially), 17(1) and (2) (partially), 18 (partially), 20 (partially), 21 (partially), 22 (partially), 23 and 24	1st April 2005	2005/168
Sections 1 (partially), 3 (partially), 11(1)(a), (3) and (5) (partially), 12(1) to (4) (partially), 13 (partially), 14 (partially), 15 (partially), 16 (partially), 17(2) (partially), 18(1)(a) to 18(1)(e) (partially), 18(2) (partially), 19 (partially), 20 (partially), 21 (partially) and 22 (partially)	30th November 2005	2005/590
Sections 1 (partially), 2 (partially), 3 (partially), 6 (partially), 7(1) and (3) (partially), 11 (partially), 12 (partially), 13 (partially), 14 (partially), 15 (partially), 16 (partially), 17(2) (partially), 18(1)(a) to 18(1)(e) (partially), 18(2) (partially), 19 (partially), 20 (partially), 21 (partially) and 22 (partially)	1st April 2006	2006/59
Sections 1 (partially), 2(5) (partially), 3 (partially), 6 (partially), 8 (partially) and 9 (partially)	1st April 2007	2007/101
Sections 1 (partially) and 3 (partially)	2nd July 2007	2007/329

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 11 to 17 (insofar as not already commenced), 18(1)(a) (partially), 18(1)(b) to (e) and (2) (insofar as not already commenced), 19 (partially) and 20 to 22 (insofar as not already commenced)	1st November 2007	2007/447

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