

2013 No. 215

CHILDREN AND YOUNG PERSONS

The Vulnerable Witnesses (Giving evidence in relation to the determination of Children's Hearing grounds: Authentication of Prior Statements) (Scotland) Regulations 2013

<i>Made</i>	- - - -	<i>20th June 2013</i>
<i>Laid before the Scottish Parliament</i>		<i>25th June 2013</i>
<i>Coming into force</i>	- -	<i>27th September 2013</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22A(8) of the Vulnerable Witnesses (Scotland) Act 2004(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Vulnerable Witnesses (Giving evidence in relation to the determination of Children's Hearing grounds: Authentication of Prior Statements) (Scotland) Regulations 2013 and come into force on 27th September 2013.

Authentication of a prior statement

2. For the purposes of section 22A(8) of the Vulnerable Witnesses (Scotland) Act 2004 a prior statement of a type mentioned in section 22A(7) of that Act is authenticated if—

- (a) it is accompanied by a certificate in the form set out in the Schedule; and
- (b) that certificate is signed by a person, other than the maker of the statement, who was present when the statement was made.

KENNY MACASKILL
A member of the Scottish Government

St Andrew's House,
Edinburgh
20th June 2013

(a) 2004 asp 3. Section 22A was inserted by section 176 of the Children's Hearings (Scotland) Act 2011 (asp 1).

SCHEDULE

Regulation 2

Form of certificate of authentication of a prior statement for the purposes of section 22A(8) of the Vulnerable Witnesses (Scotland) Act 2004

Children's Hearing Reference

Court Reference

I, (*insert name and designation of the person authenticating*), HEREBY CERTIFY THAT this document [*or the attached document*], comprising [this and] the following (*insert number*) pages [*or (insert number) hours, (insert number) minutes and (insert number) seconds of recorded time*] is a full and accurate record of the evidence given by (*insert name and designation of person who gave the prior statement and brief details of the nature, place and date of the proceedings during which the statement was made.*)

(*Signed*)

(*Date*)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the authentication of a prior statement of a type mentioned in section 22A(7) of the Vulnerable Witnesses (Scotland) Act 2004 i.e. one contained in a precognition on oath or one made in prior proceedings (either criminal or civil and whether in the United Kingdom or elsewhere). Such authentication will allow these statements to be admissible in children's hearing proceedings taking place in the sheriff court.

Regulation 2 details that such prior statements can be authenticated by attaching a prescribed certificate to them. It further details who can sign the certificate.

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