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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 356**

**Act of Sederunt (Sheriff Appeal Court Rules) 2015**

**PART 6**

**INCIDENTAL PROCEDURE: SPECIAL PROCEDURES**

**CHAPTER 24**

**VULNERABLE WITNESSES**

**Taking of evidence by commissioner: preparatory steps**

**24.6.**—(1) This rule applies where the Court authorises the special measure of taking evidence by a commissioner under section 19(1) of the 2004 Act.

(2) The commission is proceed without interrogatories unless the Court otherwise orders.

(3) The order of the Court authorising the special measure is sufficient authority for citing the vulnerable witness to appear before the commissioner.

(4) The party who cited the vulnerable witness—

(a) must give the commissioner—

(i) a certified copy of the order of the Court appointing the commissioner;

(ii) a copy of the appeal documents;

(iii) where rule 24.7 applies, the approved interrogatories and cross-interrogatories;

(b) must instruct the clerk to the commission;

(c) is responsible in the first instance for the fee of the commissioner and the clerk.

(5) The commissioner is to fix a hearing at which the commission will be carried out.

(6) The commissioner must consult the parties before fixing the hearing.

(7) An application by a party for leave to be present in the room where the commission is carried out is to be made by motion.

(8) In this rule, “appeal documents” means any of the following documents that have been lodged in process by the time the use of the special measure is authorised—

(a) the note of appeal and answers;

(b) where there is a cross appeal, the grounds of appeal and answers;

(c) the appeal print and appendices;

(d) the notes of argument.