

These notes relate to the Vulnerable Witnesses (Scotland) Act 2004 (asp 3) which received Royal Assent on 14 April 2004

VULNERABLE WITNESSES (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Criminal Proceedings

Section 8 – Prohibition of precognition by accused in person of child witnesses under 12 in cases to which section 288E applies

61. **Section 8** inserts new subsections (6) and (7) into section 291 of the Criminal Procedure (Scotland) Act 1995. These subsections provide that in cases where an accused is prohibited from conducting his own defence as a result of the automatic ban relating to child witnesses under 12, he cannot personally precognosce the child witness.