

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 3 – Miscellaneous and General

Section 24 – Abolition of the competence test for witnesses in criminal and civil proceedings

90. This section prohibits the use of the “competence test” in criminal and civil proceedings. The court is no longer entitled to ask preliminary questions of the witness regarding whether the witness understands the difference between truth and lies and the duty to give truthful evidence.