



# Vulnerable Witnesses (Scotland) Act 2004

## 2004 asp 3

### PART 1

#### CRIMINAL PROCEEDINGS

##### *Expert evidence as to subsequent behaviour of complainer*

#### 5 Expert evidence as to subsequent behaviour of complainer

After section 275B of the 1995 Act there is inserted—

##### *“Expert evidence as to subsequent behaviour of complainer*

##### **275C Expert evidence as to subsequent behaviour of complainer in certain cases**

- (1) This section applies in the case of proceedings in respect of any offence to which section 288C of this Act applies.
- (2) Expert psychological or psychiatric evidence relating to any subsequent behaviour or statement of the complainer is admissible for the purpose of rebutting any inference adverse to the complainer’s credibility or reliability as a witness which might otherwise be drawn from the behaviour or statement.
- (3) In subsection (2) above—
  - “complainer” means the person against whom the offence to which the proceedings relate is alleged to have been committed,
  - “subsequent behaviour or statement” means any behaviour or statement subsequent to, and not forming part of the acts constituting, the offence to which the proceedings relate and which is not otherwise relevant to any fact in issue at the trial.
- (4) This section does not affect the admissibility of any evidence which is admissible otherwise than by virtue of this section.”

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**Changes to legislation:** *Vulnerable Witnesses (Scotland) Act 2004, Cross Heading: Expert evidence as to subsequent behaviour of complainer is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### **Commencement Information**

**II** S. 5 in force at 1.4.2005 by S.S.I. 2005/168, art. 2, Sch. (with art. 4)

**Changes to legislation:**

Vulnerable Witnesses (Scotland) Act 2004, Cross Heading: Expert evidence as to subsequent behaviour of complainer is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A11B inserted by [2020 asp 16 s. 4\(3\)](#)
- s. 12(3A) inserted by [2020 asp 16 s. 4\(4\)](#)
- s. 12(6A) inserted by [2020 asp 16 s. 5\(2\)](#)
- s. 22B-22D inserted by [2020 asp 16 s. 4\(5\)](#)