



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 1

CRIMINAL PROCEEDINGS

Prohibition on accused personally precognosing children under 12

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

In section 291 (precognition on oath of defence witnesses) of the 1995 Act, after subsection (5) there is inserted—

“(6) A warrant is not to be granted under this section for the citation for precognition by the accused in person of any child under the age of 12 on the relevant date where the offence in relation to which the child is alleged to be a witness is one specified in section 288E(3) of this Act.

(7) In subsection (6) above, “the relevant date” means—

- (a) where an indictment or complaint in respect of the offence has been served on the accused at the time of the application, the date on which the indictment or complaint was so served, or
- (b) where an indictment or complaint in respect of the offence has not been so served, the date on which the application under subsection (1) above is made.”.

Commencement Information

- 11** S. 8 in force at 1.4.2005 for specified purposes by S.S.I. 2005/168, art. 2, Sch. (with art. 4)
- 12** S. 8 in force at 1.4.2007 for specified purposes by S.S.I. 2007/101, art. 2, Sch. (with art. 4)

Changes to legislation:

Vulnerable Witnesses (Scotland) Act 2004, Cross Heading: Prohibition on accused personally precognosing children under 12 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\(5\)](#)