



# Vulnerable Witnesses (Scotland) Act 2004

## 2004 asp 3

### PART 3

#### MISCELLANEOUS AND GENERAL

##### *Abolition of the competence test*

#### **24 Abolition of the competence test for witnesses in criminal and civil proceedings**

- (1) The evidence of any person called as a witness (referred to in this section as “the witness”) in criminal or civil proceedings is not inadmissible solely because the witness does not understand—
  - (a) the nature of the duty of a witness to give truthful evidence, or
  - (b) the difference between truth and lies.
- (2) Accordingly, the court must not, at any time before the witness gives evidence, take any step intended to establish whether the witness understands those matters.

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#### **Commencement Information**

- II** S. 24 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: Abolition of the competence test 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\(5\)](#)