



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 2

CIVIL PROCEEDINGS

Evidence of children and other vulnerable witnesses: special measures

15 Vulnerable witnesses: supplementary provision

- (1) Subsection (2) below applies where—
 - (a) a party is considering for the purposes of a child witness notice or a vulnerable witness application which of the special measures is or are the most appropriate for the purpose of taking the evidence of the person to whom the notice or application relates, or
 - (b) the court is making an order under section 12(1) or (6) or 13(2).
- (2) The party or, as the case may be, the court must—
 - (a) have regard to the best interests of the witness, and
 - (b) take account of any views expressed by—
 - (i) the witness (having regard, where the witness is a child witness, to the witness's age and maturity), and
 - (ii) where the witness is a child witness, the witness's parent.
- (3) For the purposes of subsection (2)(b) above, where the witness is a child witness—
 - (a) the witness is to be presumed to be of sufficient age and maturity to form a view if aged 12 or older, and
 - (b) in the event that any views expressed by the witness are inconsistent with any views expressed by the witness's parent, the views of the witness are to be given greater weight.
- (4) In this section—

“parent”, in relation to a child witness, means any person having parental responsibilities within the meaning of section 1(3) of the Children (Scotland) Act 1995 (c. 36) in relation to the child witness,

“the witness” means—

Changes to legislation: *Vulnerable Witnesses (Scotland) Act 2004, Section 15 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*

- (a) in the case referred to in subsection (1)(a) above, the person to whom the child witness notice or vulnerable witness application relates,
- (b) in the case referred to in subsection (1)(b) above, the person to whom the order would relate.

Commencement Information

- I1** S. 15 in force at 1.4.2005 for specified purposes by [S.S.I. 2005/168](#), art. 2, **Sch.** (with art. 4)
- I2** S. 15 in force at 30.11.2005 for specified purposes by [S.S.I. 2005/590](#), art. 2, **Sch.** (with art. 4)
- I3** S. 15 in force at 1.4.2006 for specified purposes by [S.S.I. 2006/59](#), art. 2, **Sch.** (with art. 4)
- I4** S. 15 in force at 1.11.2007 in so far as not already in force by [S.S.I. 2007/447](#), art. 3, **Sch.** (with art. 4)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 15(2) applied by 2011 asp 1, s. 176A(5) (as inserted) by [2020 asp 16 s. 6\(2\)](#)

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\(5\)](#)