



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—

Status: This is the original version (as it was originally enacted).

- (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.