

*These notes relate to the Vulnerable Witnesses (Scotland) Act 2004 (asp 3) which received Royal Assent on 14 April 2004*

# **VULNERABLE WITNESSES (SCOTLAND) ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1 – Criminal Proceedings**

##### ***Section 2 – Consideration before the trial of matters relating to vulnerable witnesses***

43. This section imposes a duty on the court to consider at a hearing whether there are any vulnerable witnesses in the case. The court must fulfil this duty at an intermediate diet in sheriff summary proceedings, a first diet in sheriff solemn proceedings and at either a preliminary diet or the start of the trial diet in High Court proceedings. Subsection (4) ensures that where the court makes an order under the inserted sections 271A(8) or 271D(2) of the 1995 Act at a first diet in the sheriff court, or a preliminary diet in the High Court, then this order may not be the subject of any appeal.