

*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**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

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

##### ***Section 4 – Evidence of identification prior to trial***

46. This section inserts a new section 281A into the Criminal Procedure (Scotland) Act 1995. Subsection (1) of the new section provides that if the witness has previously identified the accused in an identification procedure before the start of the trial, then there is no need for the witness to make a dock identification at the trial. A report is lodged instead, naming the person the witness has identified in the procedure as the accused.
47. Subsection (2) of the new section states that a prosecutor has to serve a copy of the report and a notice on the accused, at least 14 clear days before the start of the trial, showing he or she intends to rely on this evidence in court. The accused has no more than 7 days after receiving the notice to say if he or she intends to challenge the report. In special circumstances the court may allow extra time for the accused to challenge the report.