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*Status: Point in time view as at 07/04/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, PART 5. (See end of Document for details)*

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## SCHEDULE 4 JUSTICE

### PART 5

#### EVIDENCE

##### *Exceptions to the rule that hearsay evidence is inadmissible*

- 11 (1) The Criminal Procedure (Scotland) Act 1995 applies in accordance with the modifications in this paragraph.
- (2) Section 259 (exceptions to the rule that hearsay evidence is inadmissible) has effect as if—
- (a) in subsection (1)(a), for “subsection (2)” there were substituted “subsection (2) or (2A)”,
  - (b) after subsection (2) there were inserted—
    - “(2A) The reasons referred to in paragraph (a) of subsection (1) also include that—
      - (a) to have the person who made the statement physically attend the trial would give rise to a particular risk—
        - (i) to the person's wellbeing attributable to coronavirus, or
        - (ii) of transmitting coronavirus to others, and
      - (b) it is not reasonably practicable for the person to give the evidence in any other competent manner.”,
  - (c) in subsection (3), after “subsection (2)” there were inserted “ or in subsection (2A) ”,
  - (d) in subsection (4), after “subsection (2)” there were inserted “ or in subsection (2A) ”,
  - (e) after subsection (10) there were inserted—
    - “(11) In subsection (2A), “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, PART 5.