

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.”.