



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 3

MISCELLANEOUS AND GENERAL

Abolition of the competence test

24 Abolition of the competence test for witnesses in criminal and civil proceedings

- (1) The evidence of any person called as a witness (referred to in this section as “the witness”) in criminal or civil proceedings is not inadmissible solely because the witness does not understand—
 - (a) the nature of the duty of a witness to give truthful evidence, or
 - (b) the difference between truth and lies.
- (2) Accordingly, the court must not, at any time before the witness gives evidence, take any step intended to establish whether the witness understands those matters.

Commencement and short title

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- (1) This Act (except this section) comes into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (2) Different days may be appointed under this section for—
 - (a) different courts or descriptions of court,
 - (b) different proceedings or types of proceedings, or
 - (c) other different purposes.
- (3) An order under this section may contain such transitional, transitory and saving provision as the Scottish Ministers consider necessary or expedient.
- (4) This Act may be cited as the Vulnerable Witnesses (Scotland) Act 2004.