



Scottish Courts and Tribunals Service

Criminal Hearings

Information Guide for Vulnerable Witnesses



Guidance for Vulnerable witnesses involved in Virtual Courts.

Attending Court as a witness can be a daunting experience. This guidance has been created to give you peace of mind and to guide you through the process as to what you will view as a witness when attending a virtual court.

Upon arrival at the external location, you will be shown to a specific witness room by a staff member from the Victim Support Unit, and joined by a member of staff from Witness Services/Victim Support. A Court Officer will also be present.

In the room where you will be giving your evidence, there will be a computer screen/monitor upon which you will be able to see all participants in the trial.

The people that you will be able to see on the screen will be:

- The Sheriff;
- The Clerk of Court;
- The Procurator Fiscal;
- The Defence agent.

There will also be a camera which will be used to transmit the picture of you so that other participants will be able to see you whilst you give your evidence.

If you have requested Screening as part of Special Measures, you will not see the accused on screen. If you haven't requested screening as part of Special Measures, please be advised that you will see the accused on screen.

If you haven't previously requested screening of the accused but wish to change your mind during the trial, please advise the Sheriff. The Sheriff may then advise the court officer who will amend the screen/monitor setting for you.

The Victim Support Unit and Court Officer will ensure that the equipment is set up in advance of you starting to give your evidence. The Court Officer will be responsible for advising you when it is time to give your evidence, as and when they are notified to do so by the Court.

Each of the trial participants will have their name and designation showing under their image so that they can be easily identified, but the Sheriff will also introduce themselves, the Procurator Fiscal and the Defence Agent for further clarity.

If you have requested a supporter to be with you, that supporter will remain in the room with you throughout the time that you give evidence. The Court Officer will also be present.

How the case will progress

The Sheriff will start by addressing you, and asking you to confirm your name. They will then ask if you wish to take the oath or affirm. Upon the confirmation of which option you wish to undertake, the Sheriff will then ask you to respond with the words “I do” upon them reciting the relevant statement, as noted below.

Oath – This is a solemn undertaking by a witness to give truthful evidence. You can take the oath in the normal manner by raising your right hand (with no Holy Bible or other Holy book) or swear an oath on one of the available Holy books. **The Sheriff will ask the following: “Do you swear by Almighty God that you will tell the truth, the whole truth, and nothing but the truth?”**.

Affirmation – Where a witness has no religious belief, then affirmation is the appropriate solemn undertaking. You will be asked to raise your right hand. **The Sheriff will ask the following: “Do you solemnly, sincerely and truly declare and affirm that you will tell the truth, the whole truth, and nothing but the truth?”**.

The Procurator Fiscal will be the first person to ask you questions and take you through your evidence. Once they have finished questioning you, the Defence Agent will have an opportunity to ask any questions that they may have.

It may be the case that the Procurator Fiscal has some further questions for you after the Defence Agent has spoken with you.

Once the Procurator Fiscal and the Defence Agent have finished asking you questions, the Sheriff will then thank you and release you as a witness, thus concluding your attendance at the trial.

The Court Officer will close the video link and you are then free to leave the room/building.

Continuing to view the Trial after evidence:

Should you wish to watch the remainder of the trial, and you are not required to vacate the witness room, then the Clerk of Court will remotely change your virtual attendance to that of an ‘Attendee’ to the proceedings, where by you will be able to see and hear all those in Court, but will not be seen or heard yourself.

Please note – in this instance, the accused will be visible to you, unlike when you were giving evidence if screening was in place.

Alternatively, if you wish to watch the remainder of the proceedings, and the witness room is not available, the Victim Support Unit will either accommodate you in a room where you can do so, or direct you to a link through the SCTS website where you will be able to view it using your own device, in a location most suitable to yourself. ****This process is still to be confirmed.****

If you do not wish to watch, then you are free to leave the building and we thank you for attending and giving evidence in the case.