



FORM 11C

The Simple Procedure Child Witness Notice

This is a Child Witness Notice.

It is used to tell the court that a witness who is to give evidence in the simple procedure case is a child witness (someone who is under 18 when the simple procedure case begins).

It asks the sheriff to authorise the use of special measures to take the child witness's evidence, or to decide that the child witness is to give evidence without any special measures.

A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

Trading name or
representative capacity (if
any)

B2. What is your role in this case?

Claimant

Respondent

C. THE NOTICE

C1. What is the full name of the child witness?

Name

Middle name

Surname

C2. What is the child witness's date of birth?

Date of birth

C3. If the child witness is over 18 when this Notice is completed, was the child witness under 18 when the simple procedure case began?

Yes

No

C4. What order should the court make about the child witness?

The court should authorise the use of the special measure(s) mentioned in part D

① You should also complete parts D and E.

The court should order that the child witness is to give evidence without the benefit of any special measure

① You should also complete part E.

C5. Why should the court make this order?

① You should set out the reasons why the court should make this order.

C6. When was this Notice sent to the court?

① Set out the date on which the notice was sent to the court (i.e. the date on which the email was sent, or the date on which the notice was posted).

D. THE SPECIAL MEASURES

- ① The special measures that the court may make are listed in rule 11.6 of the Simple Procedure Rules.

D1. What special measures would be most appropriate for taking the evidence of this child witness?

- ① You may select as many special measures as you think are appropriate.
- allowing the child witness to give evidence before an independent person
- ① This means that the child witness would give evidence before an independent person appointed by the court, rather than coming to court to give evidence.
- allowing the child witness to give evidence by live television link
- allowing the child witness to use a screen while giving evidence
- allowing the child witness to be supported by someone while giving evidence

D2. Why do you think the special measures you have selected would be most appropriate for taking the evidence of this child witness?

E. VIEWS OF THE CHILD WITNESS AND PARENT

- ① In completing this Notice, you must take into account the views of the child witness (if the child witness is of sufficient age and maturity to form a view) and the child witness's parent.
- ① The parent of a child witness is any person who has parental responsibilities within the meaning of section 1(3) of the Children (Scotland) Act 1995.
- ① Section 15(3)(a) of the Vulnerable Witnesses (Scotland) Act 2004 says that a child witness is presumed to be of sufficient age and maturity to form a view if aged 12 or older.
- ① Section 15(3)(b) says that if the views of the child witness and the views of the witness's parent are inconsistent, the views of the witness are to be given greater weight.

E1. Has the child witness expressed a view about how they should give evidence?

- Yes
- ① If the answer is 'yes', complete E3.
- No
- ① If the answer is 'no', complete E2.

E2. Why has the child witness not expressed a view about how they should give evidence?

- ① Set out why no view has been expressed. For example:
 - the child witness may not be of sufficient age or maturity to do so
 - the child witness may not wish to do so

E3. What are the views of the child witness?

- ① Set out the views of the child witness. In particular, set out:
 - whether the child witness wishes to use a special measure to give evidence
 - the special measure that the child considers most appropriate
 - whether the child witness wishes to give evidence without the benefit of any special measures

E4. What are the views of the child witness's parent?

- ① Set out the views of the child witness's parent. In particular, set out:
 - whether the parent considers that the child witness should use a special measure to give evidence
 - the special measure that the parent considers most appropriate
 - whether the parent considers that the child witness should give evidence without the benefit of any special measures