



FORM 11D

# The Simple Procedure Vulnerable Witness Application

This is a Vulnerable Witness Application.

It is used to ask the court to decide if a witness who is to give evidence in the simple procedure case is a vulnerable witness.

If the sheriff agrees that the witness is a vulnerable witness, it also asks the sheriff to authorise the use of special measures to take the vulnerable witness's evidence.

## A. ABOUT THE CASE

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Sheriff Court

Claimant

Respondent

Case reference number

## B. ABOUT YOU

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### B1. What is your full name?

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Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

**B2. What is your role in this case?**

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- Claimant
- Respondent

**C. THE APPLICATION**

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

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Name

Middle name

Surname

**C2. Why do you think that the witness is a vulnerable witness?**

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- ① You should set out the reasons why you think the witness is a vulnerable witness.
- ① The matters that the court must take into account in deciding whether the witness is a vulnerable witness are set out in section 11(2) of the Vulnerable Witnesses (Scotland) Act 2004.

**C3. When was this Application sent to the court?**

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- ① Set out the date on which the Application 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

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- 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 the witness?

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

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## E. VIEWS OF THE WITNESS

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- ① In completing this Application, you must take into account the views of the witness.

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

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

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

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- ① Set out why no view has been expressed. For example, the witness may not wish to do so.

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### **E3. What are the views of the witness?**

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- ① Set out the views of the witness. In particular, set out:
- whether the witness wishes to use a special measure to give evidence
  - the special measure that the witness considers most appropriate