



FORM 11E

The Simple Procedure Special Measures Review Application

This is a Special Measures Review Application.

It is used where the court has decided that a child witness or a vulnerable witness should use a special measure to give evidence.

Its purpose is to ask the court to change the arrangements that have been made for the witness to give evidence.

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. ABOUT THE WITNESS

C1. What is the full name of the witness?

Name

Middle name

Surname

C2. Is the witness a child witness or a vulnerable witness?

- Child witness
- Vulnerable witness

C3. What special measures has the court authorised to be used in taking the evidence of the witness?

- ① Select as many special measures as the court has authorised.
- allowing the witness to give evidence before an independent person
- 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

D. THE APPLICATION

D1. How should the court change the current arrangements?

- ① Set out the changes you want the court to make.

The court may:

- vary a special measure
- add a new special measure
- substitute a new special measure for an existing one
- delete a special measure
- revoke the order authorising the use of special measures entirely

D2. Why do you think the proposed changes would be most appropriate for taking the evidence of the witness?

D3. When was this Application sent to the court?

- 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).

E. VIEWS OF THE WITNESS

- ① In completing this Application, you must take into account the views of the witness.
- ① You only need to complete E4 if the witness is a child witness.
- 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 witness expressed a view about the proposed changes to how they should give evidence?

- Yes
 - ① If the answer is 'yes', complete E3.
 - No
 - ① If the answer is 'no', complete E2.
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E2. Why has the witness not expressed a view about the proposed changes to how they should give evidence?

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

E3. What are the views of the witness?

- ① Set out the views of the witness. In particular, set out whether the witness agrees with the proposed changes.

E4. If the witness is a child witness, 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 agrees with the proposed changes.