

## **Court of Session Virtual Hearings - Witness Information**

- (a) Your evidence will be taken by video link using Cisco WebEx. It is neither necessary to create an account nor to download an application for the software, although it is possible to do so. It will be important, however, to familiarise yourself with the software prior to giving evidence. The system can be tested at the following web address: <https://www.webex.com/test-meeting.html#>. It is strongly advised that you test whether you are able to connect to WebEx on the device that you intend to use for participating in the hearings well in advance of the hearing date. It is also strongly advised that a test run of using the software and of the video and audio quality of the connection takes place in advance of the Court Hearing. Please speak to the solicitor with whom you have had prior contact about whether they are able to schedule a test event. The court may specifically request that you take part in a test with the 'event host' (the clerk of court or SCTS digital services staff) in advance of the Hearing.

Each witness will be provided with a web link to join the Hearing by the clerk of court. On the day of the Hearing the solicitor with whom you have had prior contact will inform you when it is time for you to join the Hearing. You should contact them in the first instance should there be any difficulty accessing the Hearing using the link provided by the clerk of court. Contact details will be provided separately.

- (b) **When attending court as a witness it is necessary that you swear an oath or affirm to tell the truth. Prior to the day on which you are due to give evidence, please confirm to the solicitor with whom you have had prior contact whether you wish to take the oath or affirmation.** Please see the following information in relation to this process:

Taking the oath: The judge will ask you to repeat after them the words: "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth." You will be asked to raise your right hand before taking the oath. The bible (or other document or object) is not used for swearing the oath in the courts in Scotland. If you wish to take an oath in terms of your own religious and cultural beliefs, in advance of the day on which you are due to give evidence please advise the solicitor with whom you have had

prior contact. They will inform the court so that the appropriate arrangements can be made.

Making an affirmation: If you do not wish to swear the oath, you can "affirm" instead. The judge will ask you to repeat after them the words: "I solemnly, sincerely and truly declare and affirm that I will tell the truth, the whole truth and nothing but the truth." If you are not religious you may prefer this method of taking the oath.

(c) There are certain rules that must be followed when giving evidence:

1. You cannot audio or video record the Hearing by mechanical or digital means, and neither can anyone else with access to the proceedings without the prior permission of the court. To do so is contempt of court, the punishment for which is up to 2 years imprisonment. You may, however, make written notes.
2. When giving evidence, you should not have anyone else in the room with you. If that is unavoidable, for example someone helping with the technology, they must not intervene in any way in your evidence. They must not under any circumstances assist you in giving your evidence, whether by prompting you, correcting you or otherwise assisting you with the evidence you give.
3. It is essential that you are not interrupted while you are giving your evidence. Please ensure that you are in an environment where you will not be disturbed, for example, by callers in person or on the telephone. If you have a mobile phone in your possession it must be switched off. You must not get up and walk away from the webcam during the giving of your evidence without permission of the judge.
4. You should only have with you documents which have been provided to you by the solicitor for the purposes of giving evidence. You should only look at documents that you are asked to look at.
5. You should be aware that on video hearings there is a slight time delay between someone speaking and you hearing it. You should wait until the questioner has finished their question before commencing an answer.

Equally, the questioner will try to let you finish your answer before another question is asked.

6. It is common for the court to take breaks during hearings being conducted by video link. If you require a break, you should ask for one.
7. Sometimes it is necessary for the advocates and the judge to engage in discussion about the case whilst a witness is giving evidence. If that happens you will be told that you are to have your evidence paused while the matters are discussed. You will be disconnected from the Hearing. Once the discussion is over, you will be contacted by the solicitor and asked to re-join the Hearing using the same link. Please do not leave the computer at that time as usually such discussions are relatively short. If you are asked to temporarily leave the Hearing, for any reason, you must not in the meantime discuss the evidence in the case with anyone else.
8. You may be asked to look at documents shown to you on the computer screen ("screen sharing"). However, it may be easier for you to look at copies of documents sent to you by post and in "hard" copy if these have been provided.
9. You are not permitted to attend the Hearing before you give your evidence. However, if you would like to continue to attend the Hearing after you have finished giving your evidence you can do so, provided that the Hearing is not taking place in a closed court. Please alert the solicitor with whom you have had prior contact if you wish to remain in attendance after you have given your evidence so that the clerk of court can be advised. The clerk of court will change your status on the video link from 'Panellist' to 'attendee', enabling you to see and hear proceedings but not participate in any way.

(d) If paper or electronic copies of Productions or other documents in the case are provided in advance of the Hearing the solicitor with whom you have had prior contact will provide you with instructions for returning or securely destroying the documents after you have given your evidence.

**YOU SHOULD READ THIS NOTICE CAREFULLY. IT WILL BE GIVEN TO THE JUDGE BY THE LAWYERS ACTING, AND THE JUDGE MAY ASK WHETHER YOU HAVE READ IT, HAVE UNDERSTOOD IT AND YOU WILL COMPLY WITH IT.**