

# Giving Evidence in Court

## MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to [info@clanchildlaw.org](mailto:info@clanchildlaw.org), or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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LAWYERS FOR CHILDREN & YOUNG PEOPLE

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## Checklist



## Giving Evidence in Court 07

- Giving evidence under age 18 ✓
- Giving evidence over age 18 ✓
- Special measures ✓
- What happens in court ✓
- Possible worries ✓
- How to give evidence ✓

## GIVING EVIDENCE IN COURT

### ✓ I am under 18 and have to give evidence in court

If you are under 18 you are a vulnerable witness and there will be 'special measures' (see below) when you give evidence.

### ✓ What are the special measures?

#### If you are under 18 you are automatically entitled to:

Use a live television link - so you can speak to the Court without being in the same room OR

Give your evidence from behind a screen so that you can't see the person you are giving evidence about (though they might be able to see you on a television monitor); AND

Have someone to sit alongside you while you give evidence - called a supporter.

#### You can also ask for:

In criminal cases, the Court can use your formal statements, like the statements you give the police as evidence. This may cut out some, or all, of the questioning at Court.

Your evidence can be taken by a commissioner. This is someone appointed by the Court to take your evidence, usually before the case begins. Your evidence is then read out or played back in Court.

Use of a television link to let you give evidence from somewhere that is not in the Court building.

### ✓ What if I am over 18?

If you are over 18, and you think you would be distressed, frightened or upset by giving evidence in Court then you can ask the Court to give you special measures. To decide, the Court will look at what you will be giving evidence

about and will think about any relationship between you and the person you are giving evidence about.

### ✓ What do I do if I am told I must give evidence and I think I might be a vulnerable witness?

You should tell the person who asked you to come to Court as soon as possible, so they can arrange for special measures to be put in place. If you are over 18, they will talk to you about whether they should apply to the Court for special measures to be put in place.

### ✓ What happens when I arrive at Court?

When you go to Court, let the person on reception know who you are and they will tell you where to go.

You may be waiting with other witnesses for some time until it is your turn. You can take someone with you to keep you company while waiting, but they can't come into the court with you while you give evidence (unless they are a supporter and you have special permission).

If you are giving evidence by video link you should be directed to a separate room away from the Court room.

### ✓ What if I see the person that I am giving evidence about, or their family members?

If you are worried about seeing the person you are giving evidence about, tell the person who called you as a witness. They will try to arrange for you to wait in a place away from the people you don't want to see, or have someone meet you at Court to accompany you.

If anyone tries to frighten you or get you to change what you are saying, they are committing a very serious crime. If this happens

you should tell the Witness Service at the Court, the police or the Procurator Fiscal who will make sure it doesn't happen again.

### ✓ If I don't remember something when I'm being questioned, or don't understand, what do I do?

The most important thing is that you tell the Court what you know and tell the truth. If you don't remember something, just say so, it's better than guessing what you think the answer should be. If you don't understand the question or certain words that are used, tell the Court and it will be explained to you.

#### Useful further information:

For more information about being a witness at Court see:

[www.witnessesinscotland.com](http://www.witnessesinscotland.com)

<http://www.copfs.gov.uk/involved-in-a-case/witnesses>