SCOTTISH STATUTORY INSTRUMENTS

# 2026 No. 136 (C. 17)

# SHERIFF COURT

# The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 (Commencement No. 3 and Transitional Provision) Regulations 2026

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|---|---|
| *Made - - - -* | *10th March 2026* |
| *Laid before the Scottish Parliament* | *12th March 2026* |
| *Coming into force - -* | *30th March 2026* |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 12(2) and (3) of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019(**a**).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 (Commencement No. 3 and Transitional Provision) Regulations 2026 and come into force on 30 March 2026.

(2) In these Regulations, "the Act" means the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019.

**Appointed day**

**2.**—(1) 30 March 2026 is the day appointed for the coming into force of section 1 of the Act (child witnesses in certain solemn cases)(**b**) for the purpose of hearings in proceedings in the sheriff court where paragraph (2) applies.

(2) This paragraph applies in respect of the giving of evidence by a witness who is under the age of 16 on the date of commencement of the proceedings.

(3) For the purposes of paragraph (2), proceedings are taken to have commenced—

(a) on the first date on which an accused in the proceedings appears on petition, or

(b) where no accused in the proceedings appears on petition, on the first date on which an indictment is served on any of the accused.

**Transitional provision**

**3.** Section 1 of the Act applies in accordance with regulation 2 only—

(**a**) 2019 asp 8.
(**b**) Section 1 was commenced on 20 January 2020 for hearings in proceedings in the High Court of Justiciary by S.S.I. 2019/392.

(a) where any accused in the proceedings first appears on petition on or after 30 March 2026,

(b) where no accused appears on petition, an indictment is served on any accused in the proceedings on or after 30 December 2026.

*ANGELA CONSTANCE*
A member of the Scottish Government

St Andrew's House,
Edinburgh
10th March 2026

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force on 30 March 2026 section 1 of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 ("the Act") in respect of proceedings in the sheriff court where a witness aged under 16 at the date of commencement of the proceedings is to give evidence. Provision about calculation of the date of commencement of the proceedings is made in regulation 2(3).

Section 1 of the Act introduces a rule in favour of pre-recording of evidence of child witnesses other than the accused in solemn proceedings (subject to specific exceptions) where the alleged offence is listed in section 271BZA(2) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (as inserted by section 1 of the Act). Under regulation 3, after section 1 of the Act is brought into force as described above, it will apply only in cases in which the accused first appears on petition on or after 30 March 2026. In a small number of cases the accused never appears on petition, and in this situation section 1 will apply where the indictment is served on or after 30 December 2026.

The Bill for the Act received Royal Assent on 13 June 2019. Sections 11 to 13 came into force the following day.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

| *Provision* | *Date of Commencement* | *S.S.I. No.* |
|---|---|---|
| Section 1 for the purpose of hearings in proceedings in the High Court of Justiciary | 20 January 2020 | 2019/392 |
| Section 2 | 20 January 2020 | 2019/392 |
| Section 4 for the purpose of hearings in proceedings in the High Court of Justiciary | 20 January 2020 | 2019/392 |
| Section 5 | 20 January 2020 | 2019/392 |
| Section 6 | 27 June 2025 | 2025/179 |
| Sections 7 to 9 | 20 January 2020 | 2019/392 |
| Section 10(1) to (3) | 20 January 2020 | 2019/392 |

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