

FORM 35A.2

**Form of child witness notice**

VULNERABLE WITNESSES (SCOTLAND) ACT 2004 Section 12

Received the .....day of .....20.....

*(Date of receipt of this notice)*

.....*(signed)*

Depute Clerk of Session

In the Cause (Cause Reference No. )

[A.B.] *(designation and address)*

Pursuer [*or* Petitioner]

against

[C.D.] *(designation and address)*

Defender [*or* Respondent]

**CHILD WITNESS NOTICE**

1. The applicant is the pursuer [*or* petitioner] [*or* defender] [*or* respondent] in the action by [A.B] *(design)* against [C.D.] *(design)*.

2. The applicant has cited [*or* intends to cite] [E.F.] *(date of birth)* as a witness.

3. [E.F.] is a child witness under section 11 of the Vulnerable Witnesses (Scotland) Act 2004 [and was under the age of eighteen on the date of the commencement of proceedings].

4. The applicant considers that the following special measure[s] is [are] the most appropriate for the purpose of taking the evidence of [E.F.] [*or* that [E.F.] should give evidence without the benefit of any special measure]:-

*(delete as appropriate and specify any special measure(s) sought).*

5. [The reason[s] this [these] special measure[s] is [are] considered the most appropriate is [are] as follows:-

*(here specify the reason(s) for the special measures(s) sought).*

OR

[The reason[s] it is considered that [E.F.] should give evidence without the benefit of any special measure is [are]-

*(here explain why it is felt that no special measures are required).*

6. [E.F.] and the parent[s] of [*or* [person[s] with parental responsibility for] [E.F.] has [have] expressed the following view[s] on the special measure[s] that is [are] considered most appropriate [*or* the appropriateness of [E.F.] giving evidence without the benefit of any special measure]:-

*(delete as appropriate and set out the view(s) expressed and how they were obtained).*

7. Other information considered relevant to this application is as follows:—

*(here set out any other information relevant to the child witness notice).*

8. The applicant asks the court to—

- (a) consider this child witness notice;
- (b) make an order authorising the special measure[s] sought; [*or*
- (c) make an order authorising the giving of evidence by [E.F.] without the benefit of special measures.]

*(delete as appropriate)*

.....(*Signed*)

Solicitor [*or Agent*] for A.B. [*or C.D.*] (*include full designation*)

*NOTE: This form should be suitably adapted where section 16 of the Act of 2004 applies.*