

Soul & Conscience Certificate Guidance

Requirements of Soul & Conscience Certificates

The court may accept a report certified on soul and conscience that a witness is unfit to attend court as a substitute for the doctor giving parole evidence on oath. The decision whether to accept the certificate or to call the doctor to court to give sworn evidence is entirely for the court. Accordingly the doctor should provide such a certificate only if he or she is prepared give such sworn testimony.

Such a certificate :-

- 1. Shall be certified on soul and conscience.*
- 2. Shall explain the symptoms the witness suffers from that prevent attendance at court or the giving of evidence. - Is it that their current medical condition or treatment would render their evidence unreliable or is it the case that to give evidence at the moment would be significantly detrimental to their health? If so, in what way?*
- 3. Shall contain a prognosis estimating when the witness will be fit to give evidence, as the trial will probably have to be adjourned to a later date when they will be available.*
- 4. Shall state whether the witness is fit to give evidence on commission and, if so, under what conditions.*

Police Scotland

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