



Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

PART 2

SOLEMN PROCEEDINGS GENERALLY

7 Citation

- (1) Section 66 (service and lodging of indictment, etc.) of the 1995 Act is amended as follows.
- (2) For subsection (1) substitute—
 - “(1) This Act shall be sufficient warrant for—
 - (a) the citation of the accused and witnesses to—
 - (i) any diet of the High Court to be held on any day, and at any place, the Court is sitting;
 - (ii) any diet of the sheriff court to be held on any day the court is sitting; or
 - (iii) any adjournment of a diet specified in sub-paragraph (i) or (ii) above; and
 - (b) the citation of jurors for any trial to be held—
 - (i) in the High Court; or
 - (ii) under solemn procedure in the sheriff court.”.
- (3) In subsection (4), in paragraph (b)—
 - (a) at the beginning insert “if the accused, at the time of citation, is not in custody,”, and
 - (b) for “accused’s dwelling-house or place of business” substitute “relevant premises”.
- (4) After subsection (4) insert—

“(4ZA) In subsection (4)(b) above, “the relevant premises” means—

Status: This is the original version (as it was originally enacted).

- (a) where the accused, at the time of citation, has been admitted to bail, his proper domicile of citation as specified for the purposes of section 25 of this Act; or
- (b) in any other case, any premises which the constable reasonably believes to be the accused's dwelling-house or place of business."

(5) After subsection (6B) insert—

“(6C) An accused shall be taken to be served with—

- (a) the indictment and lists of witnesses and productions; and
- (b) the notice referred to in subsection (6) above,

if they are served on the solicitor specified in subsection (6D) below at that solicitor's place of business.

(6D) The solicitor referred to in subsection (6C) above is any solicitor who—

- (a) has notified in writing the procurator fiscal for the district in which the charge against the accused was being investigated that he is engaged by the accused for the purposes of his defence; and
- (b) has not informed that procurator fiscal that he has been dismissed by, or has withdrawn from acting for, the accused.

(6E) It is the duty of a solicitor who has, before service of an indictment, notified a procurator fiscal that he is engaged by the accused for the purposes of his defence to inform that procurator fiscal in writing forthwith if he is dismissed by, or withdraws from acting for, the accused.”.

(6) Subsection (8) is repealed.