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SCHEDULE

PART 5

FORM 8.2–A Form of notice of citation to be affixed to the door of the relevant premises under section 66(4)(b) of the Criminal Procedure (Scotland) Act 1995

Rule 8.2(1)

IMPORTANT NOTICE

(CITATION)

Prosecution reference:

TO: *(name) (date of birth) (address)*

A CRIMINAL CASE IS BEING BROUGHT AGAINST YOU

A document has been prepared which sets out the criminal charges against you.

That document (the “indictment”) may be collected by you with a list of the witnesses against you and a list of any productions to be put in evidence against you by the prosecutor from *(name and address of police station)*.

YOU MUST APPEAR at *(place)* High Court of Justiciary *(address)* on *(date)* at *(time)* for a preliminary hearing *or* at *(place)* Sheriff Court *(address)* on *(date)* at *(time)* for a first diet **and** on *(date)* at *(time)* for a trial diet at which you will be required to answer the criminal charges against you in the indictment.

IF YOU DO NOT ATTEND THE COURT, A WARRANT MAY BE ISSUED FOR YOUR ARREST

This notice was affixed by me *(name and designation)* on *(date)*.

(Signed)

Constable

(Name)

(Signed)

Witness

(Name)

FORM 8.2–B Form of notice to appear under section 66(6) of the Criminal Procedure (Scotland) Act 1995

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Rules 8.2(2), 9A.3 and 12.7

**IMPORTANT NOTICE
(CITATION)**

Prosecution reference:

TO: *(name) (date of birth) (address)*

A CRIMINAL CASE IS BEING BROUGHT AGAINST YOU

A document has been prepared which sets out the criminal charges against you.

That document (the ‘indictment’) is attached to this notice.

YOU MUST APPEAR at *(place)* High Court of Justiciary *(address)* on *(date)* at *(time)* for a preliminary hearing *(or at (place) Sheriff Court (address) on (date) at (time) for a first diet and on (date) at (time) for a trial diet)* at which you will be required to answer the criminal charges against you in the indictment.

IF YOU DO NOT ATTEND THE COURT, A WARRANT MAY BE ISSUED FOR YOUR ARREST

(Signed)

Prosecutor

(Name, address, e-mail address and telephone number)

(Place and date)

FORM 8.2–CForm of notice to accused to appear under section 66(6) of the Criminal Procedure (Scotland) Act 1995 where the charge in the indictment is of committing a sexual offence to which section 288C of the Criminal Procedure (Scotland) Act 1995 applies

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Rules 8.2(2), 9A.3 and 12.7

IMPORTANT NOTICE

(CITATION)

Prosecution reference:

TO: *(name) (date of birth) (address)*

A CRIMINAL CASE IS BEING BROUGHT AGAINST YOU

A document has been prepared which sets out the criminal charges against you.

That document (the "indictment") is attached to this notice.

YOU MUST APPEAR at *(place)* High Court of Justiciary *(address)* on *(date)* at *(time)* for a preliminary hearing [or at *(place)* Sheriff Court *(address)* on *(date)* at *(time)* for a first diet and on *(date)* at *(time)* for a trial diet] at which you will be required to answer the criminal charges against you in the indictment.

Because you are being charged with at least one sexual offence—

- (1) if you are tried for the offence, your defence may be conducted only by a lawyer;
- (2) it is therefore in your interests, if you have not already done so, to get the professional assistance of a solicitor;
- (3) if you do not engage a solicitor for the purposes of your defence at the preliminary hearing or the trial, the court will do so.

IF YOU DO NOT ATTEND THE COURT, A WARRANT MAY BE ISSUED FOR YOUR ARREST

(Signed)

Prosecutor

(Name, address, e-mail address and telephone number)

(Place and date)

FORM 8.2—D Form of postal citation of witness to appear at a trial on indictment

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Rule 8.2(3)

**IMPORTANT NOTICE
(CITATION)**

Prosecution reference (if known):

Defence reference (if known).....

To: (name) (date of birth) (address)

DATE OF CITATION: (date)

YOU ARE WITNESS FOR THE PROSECUTION [OR DEFENCE] IN THE CRIMINAL CASE AGAINST (NAME)

YOU MUST APPEAR at (place) High Court of Judiciary (address) on (date) at (time) [or at (place) Sheriff Court (address) on (date) at (time)].

IF YOU DO NOT ATTEND, THE COURT MAY GRANT A WARRANT FOR YOUR ARREST

Please complete, sign and return the enclosed response form to the Procurator Fiscal [or the accused or the solicitor for the accused] in the pre-paid envelope provided by (date).

(Signed)

Prosecutor

[or Accused or Solicitor for the Accused]

(Name, address, e-mail address and telephone number)

FORM 8.2–EForm of response form to be completed and returned by witness cited to appear at trial on indictment WITNESS RESPONSE FORM

Rule 8.2(3)

Prosecution reference (if known):

Defence reference (if known).....

To: Procurator Fiscal [or (name) accused or solicitor for (name)] (address and references to be completed by person serving the citation)

From: (name to be printed by person serving the citation)

Date: (specify)

I, (name and address of witness to be completed by person serving the citation), have received the citation to appear as a witness for the prosecution [or defence] in the case of Her Majesty's Advocate against (name of accused to be completed by person serving the citation) on (date to be inserted by person serving the citation) at (place to be inserted by person serving the citation).

I shall attend on that date.

(Signed)

FORM 8.2–FForm of personal citation of witness to appear at a trial on indictment

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Rule 8.2(4)

IMPORTANT NOTICE

(CITATION)

Prosecution reference:

Defence reference: *(if known)*.....

TO: *(name)* *(date of birth)* *(address)*

DATE: *(date)*

YOU ARE WITNESS FOR THE PROSECUTION [OR DEFENCE] IN THE CRIMINAL CASE AGAINST *(NAME)*

YOU MUST APPEAR at *(place)* High Court of Justiciary *(address)* on *(date)* at *(time)* [or at *(place)* Sheriff Court *(address)* on *(date)* at *(time)*].

IF YOU DO NOT ATTEND, THE COURT MAY GRANT A WARRANT FOR YOUR ARREST

(Signed)

Officer of Law

(Name, address, e-mail address

and telephone number)

FORM 8.2—GForm of notice of citation of body corporate to be affixed to the door of the relevant premises under section 66(4)(b) of the Criminal Procedure (Scotland) Act 1995

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 8.2(1)

**IMPORTANT NOTICE
(CITATION)**

Prosecution references:

TO: *(name of body corporate) (address)*

A CRIMINAL CASE IS BEING BROUGHT AGAINST *(NAME OF BODY CORPORATE)*

A document has been prepared which sets out the criminal charges against *(name of body corporate)*.

That document (the "indictment") may be collected with a list of the witnesses and productions against *(name of body corporate)* from *(name and address of police station)*.

(NAME OF BODY CORPORATE)* MUST BE REPRESENTED at *(place)* High Court of Justiciary *(address)* on *(date)* at *(time)* for a preliminary hearing [or at *(place)* Sheriff Court *(address)* on *(date)* at *(time)* for a first diet and on *(date)* at *(time)* for a trial diet] at which *(name of body corporate)* will be required to answer the criminal charges against it in the indictment.

[Where the indictment is in respect of the High Court: **IF *(NAME OF BODY CORPORATE)* IS NOT REPRESENTED AT THE PRELIMINARY HEARING—**

- (a) **THE HEARING MAY PROCEED; AND**
- (b) **A TRIAL DIET MAY BE APPOINTED IN ITS ABSENCE]**

IF *(NAME OF BODY CORPORATE)* IS NOT REPRESENTED AT THE TRIAL DIET, THE TRIAL MAY PROCEED IN ITS ABSENCE

This notice was affixed by me *(name and designation)* on *(date)*.

(Signed)

Constable

(Name)

(Signed)

Witness

(Name)

*By a representative under section 70(4) of the Criminal Procedure (Scotland) Act 1995, by counsel (an advocate or solicitor advocate) or by a solicitor.

FORM 8.2—HForm of notice for body corporate to appear under section 66(6) of the Criminal Procedure (Scotland) Act 1995

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 8.2(5)

IMPORTANT NOTICE

(CITATION)

Prosecution reference:

TO: *(name of body corporate) (address)*

A CRIMINAL CASE IS BEING BROUGHT AGAINST *(NAME OF BODY CORPORATE)*

A document has been prepared which sets out the criminal charges against *(name of body corporate)*.

That document (the "indictment") is attached to this notice.

(NAME OF BODY CORPORATE) MUST BE REPRESENTED* at *(place)* High Court of Justiciary *(address)* on *(date)* at *(time)* for a preliminary hearing [or at *(place)* Sheriff Court *(address)* on *(date)* at *(time)* for a first diet and on *(date)* at *(time)* for a trial diet] at which *(name of body corporate)* will be required to answer the criminal charges against it in the indictment.

[Where the indictment is in respect of the High Court: IF *(NAME OF BODY CORPORATE)* IS NOT REPRESENTED AT THE PRELIMINARY HEARING–

- (a) THE HEARING MAY PROCEED; AND**
- (b) A TRIAL DIET MAY BE APPOINTED IN ITS ABSENCE]**

IF *(NAME OF BODY CORPORATE)* IS NOT REPRESENTED AT THE TRIAL DIET, THE TRIAL MAY PROCEED IN ITS ABSENCE.

(Signed)

Officer of Law

(Name, address, e-mail address and telephone number)

*By a representative under section 70(4) of the Criminal Procedure (Scotland) Act 1995, by counsel (an advocate or solicitor advocate) or by a solicitor.