



Criminal Justice (Scotland) Act 1980

1980 CHAPTER 62

PART II

PROCEDURE AND EVIDENCE

Procedure

9 Citation of defence witness for precognition.

- (1) The sheriff may, on the application of an accused, grant warrant to cite any person (other than a co-accused), who is alleged to be a witness in relation to any offence of which the accused has been charged, to appear before the sheriff in chambers at such time or place as shall be specified in the citation, for precognition on oath by the accused or his solicitor in relation to that offence, if the court is satisfied that it is reasonable to require such precognition on oath in the circumstances.
- (2) Any person who, having been duly cited to attend for precognition under subsection (1) above and having been given at least 48 hours notice, fails without reasonable excuse to attend shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F1}level 3 on the standard scale] or to imprisonment for a period not exceeding 21 days; and the court may issue a warrant for the apprehension of the person concerned, ordering him to be brought before a sheriff for precognition on oath.
- (3) Any person who, having been duly cited to attend for precognition under subsection (1) above, attends but—
 - (i) refuses to give information within his knowledge or to produce evidence in his possession; or
 - (ii) prevaricates in his evidence,shall be guilty of an offence and shall be liable to be summarily subjected forthwith to a fine not exceeding [^{F2}level 3 on the standard scale] or to imprisonment for a period not exceeding 21 days.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980, Section 9. (See end of Document for details)

Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289H, [Sch. 7D](#)
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 7](#)

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980, Section 9.