



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XIII

MISCELLANEOUS

[^{F1}Intimation of certain applications to the High Court

Textual Amendments

- F1** S. 298A and cross-heading inserted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\), ss. 38, 84; S.S.I. 2007/479, art. 3\(1\), Sch.](#) (as amended by [S.S.I. 2007/527](#))

298A Intimation of bills and of petitions to the nobile officium

- (1) This subsection applies where the prosecutor requires to intimate to the respondent—
 - (a) a bill of advocation;
 - (b) a petition to the nobile officium; or
 - (c) an order of the High Court relating to such a bill or (as the case may be) petition.
- (2) Where subsection (1) above applies, the requirement may be met by serving on the respondent or the respondent's solicitor a copy of the bill, petition or (as the case may be) order.
- (3) Service under subsection (2) above may (in relation to any proceedings) be effected—
 - (a) on the respondent, in the same manner as citation under section 141 of this Act;
 - (b) on the respondent's solicitor, by post.
- (4) This subsection applies where a person requires to intimate to the prosecutor—
 - (a) a bill of suspension or advocation;
 - (b) a petition to the nobile officium; or

Status: Point in time view as at 01/09/2015.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Intimation of certain applications to the High Court is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) an order of the High Court relating to such a bill or (as the case may be) petition.
- (5) Where subsection (4) above applies, the requirement may be met by serving on the prosecutor a copy of the bill, petition or (as the case may be) order.
- (6) Service under subsection (5) above may (in relation to any proceedings) be effected by post.
- (7) It is sufficient evidence that service has been effected under subsection (3) or (6) above if there is produced a written execution—
 - (a) in the form prescribed by Act of Adjournal or as nearly as may be in such form; and
 - (b) signed by the person who effected service.
- (8) In relation to service effected by means of registered post or the recorded delivery service, the relevant post office receipt requires to be produced along with the execution mentioned in subsection (7) above.
- (9) A party who has service effected under subsection (3) or (6) above must, as soon as practicable thereafter, lodge with the Clerk of Justiciary a copy of the execution mentioned in subsection (7) above.
- (10) For the purpose of subsection (3)(a) above, section 141 of this Act is to be read with such modifications as are necessary for its application in the circumstances.
- (11) This section is without prejudice to any rule of law or practice by virtue of which things of the kinds mentioned in subsections (1) and (4) above (including copies) may be intimated or served.]

Status:

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