



# Summary Jurisdiction (Scotland) Act 1954

## 1954 CHAPTER 48

### *Procedure prior to Trial*

#### **18 Citation**

- (1) This Act shall be a sufficient warrant for the citation of the accused and witnesses in a summary prosecution to any ordinary sitting of the court or to any special diet fixed by the court or any adjournment thereof.
- (2) Such citation shall be in the form, as nearly as may be, of the appropriate form contained in Part IV of the Second Schedule to this Act, and shall in the case of the accused proceed on an induciae of at least forty-eight hours unless in the special circumstances of the case the court fixes a shorter induciae.
- (3) It shall be deemed a legal citation of the accused or a witness—
  - (a) if the citation be delivered to him personally or left for him at his dwelling-house or place of business with some person resident or employed therein, or where he has no known dwelling-house or place of business, at any other place in which he may, at the time being, be resident, or
  - (b) where the accused or witness is the master of, or a seaman or person employed in, a vessel, if the citation is left with a person on board thereof and connected therewith, or
  - (c) where the accused is a company, association or corporation, if the citation is left at their ordinary place of business with a partner, director, secretary or other official, or if the company, association or corporation is cited in the same manner as if the proceedings were in a civil court, or
  - (d) where the accused is a body of trustees, if the citation is left with any one of them who is resident in Scotland or with their known solicitor in Scotland.
- (4) The foregoing provisions of this section as to the citation of witnesses shall apply to the citation of witnesses for precognition by the procurator fiscal or burgh prosecutor where a judge on the application of such procurator fiscal or burgh prosecutor shall deem it expedient to grant warrant to cite witnesses for precognition in regard to any offence which may be competently tried in the court of that judge, and whether or not any person has at the time of such application been charged with such offence.