



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 2

PROCEEDINGS

Miscellaneous

38 Intimation of certain applications to the High Court

After section 298 of the 1995 Act there is inserted—

“Intimation of certain applications to the High Court

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—

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 38. (See end of Document for details)

- (a) a bill of suspension or advocacy;
 - (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.
- (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.”

Changes to legislation:

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 38.