



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

2007 asp 6

PART 2

PROCEEDINGS

Summary procedure

8 Manner of citation

In section 141 (manner of citation) of the 1995 Act—

(a) for subsection (1) there is substituted—

“(1) The citation of the accused or a witness in a summary prosecution to any ordinary sitting of the court or to any special diet fixed by the court or to any adjourned sitting or diet shall be effected by an officer of law or other person—

(a) delivering the citation to him personally; or

(b) leaving it for him—

(i) at his dwelling-house or place of business with a resident or (as the case may be) employee there; or

(ii) where he has no known dwelling-house or place of business, at any other place in which he may be resident at the time.”,

(b) in subsection (3)(a), after the word “service” there is inserted “or by ordinary post”,

(c) after subsection (3) there is inserted—

“(3A) Subject to subsection (4) below and without prejudice to the effect of any other manner of citation, the citation of the accused or a witness to a sitting or diet or adjourned sitting or diet as mentioned in subsection (1) above shall also be effective if an electronic citation is sent—

(a) by or on behalf of the prosecutor; and

(b) by means of electronic communication,

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- to the home or business email address of the person.”,
- (d) in subsection (5), after the word “communication” there is inserted “(including a legible version of an electronic communication)”,
- (e) after subsection (5) there is inserted—
- “(5ZA) The production in court of a legible version of an electronic communication which—
- (a) bears to have come from an accused’s email address; and
- (b) is in such terms as to infer that the contents of an electronic citation sent as mentioned in subsection (3A) above came to the accused’s knowledge,
- shall (even if not purporting to be written by or on behalf of the accused) be admissible as evidence of those facts for the purposes of subsection (4) above.”,
- (f) in subsection (5A), for the words from “if” in the first place where it occurs to the end there is substituted “if—
- (a) it is sent by or on behalf of the accused’s solicitor by ordinary post—
- (i) to the dwelling-house or place of business of the witness; or
- (ii) if he has no known dwelling-house or place of business, to any other place in which he may be resident at the time; or
- (b) an electronic citation is sent by or on behalf of the accused’s solicitor by means of electronic communication to the home or business email address of the witness.”,
- (g) after subsection (5A) there is inserted—
- “(5B) Where a witness fails to appear at a diet or sitting or adjourned diet or sitting to which he has been cited in the manner provided by this section, subsection (2) of section 156 of this Act shall not apply unless it is proved to the court that he received the citation or that its contents came to his knowledge.”,
- (h) after subsection (6) there is inserted—
- “(6A) When the citation of any person is effected by electronic citation under subsection (3A) above, the induciae shall be reckoned from the end of the day on which the citation was sent.”,
- (i) after subsection (7) there is added—
- “(7A) It shall be sufficient evidence that citation has been effected electronically under subsection (3A) or (5A)(b) above if there is produced in court a legible version of an electronic communication which—
- (a) is signed by electronic signature by the person who signed the citation;
- (b) includes the citation; and
- (c) bears to have been sent to the home or business email address of the person being cited.

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(7B) In this section, an “electronic citation” is a citation in electronic form which—

- (a) is capable of being kept in legible form; and
- (b) is signed by electronic signature—
 - (i) in the case of citation of the accused, by the prosecutor;
 - (ii) in the case of citation of a witness, by or on behalf of the prosecutor or the accused’s solicitor.”.