



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

2007 asp 6

## PART 2

### PROCEEDINGS

#### *Preparation for summary trial*

#### **21 Service of documents through solicitor etc.**

After section 148B of the 1995 Act there is inserted—

#### **“148C Engagement, dismissal and withdrawal of solicitor representing accused**

- (1) In summary proceedings, it is the duty of a solicitor who is engaged by the accused for the purposes of his defence at trial to notify the court and the prosecutor of that fact forthwith in writing.
- (2) The duty under subsection (1) above shall be regarded as having been complied with if the solicitor has represented the accused at the first calling of the case—
  - (a) by submitting a written intimation of the accused’s plea as described in subsection (2)(a) of section 144 of this Act; or
  - (b) by appearing on behalf of the accused—
    - (i) as described in subsection (2)(b) of that section; or
    - (ii) with the accused present,and has, when acting as described in paragraph (a) or (b) above, notified the court and the prosecutor orally or in writing that the solicitor is also engaged by the accused for the purposes of his defence at trial.
- (3) Where a solicitor referred to in subsection (1) above—
  - (a) is dismissed by the accused; or
  - (b) withdraws,

it is the duty of the solicitor to notify the court and the prosecutor of that fact forthwith in writing.

#### **148D Service etc. on accused through a solicitor**

- (1) In summary proceedings, anything which is to be served on or given, notified or otherwise intimated to, the accused (except service of a complaint) shall be taken to be so served, given, notified or intimated if it is, in such form and manner as may be prescribed by Act of Adjournal, served on or given, notified or intimated to (as the case may be) the solicitor described in subsection (2) below at that solicitor's place of business.
- (2) That solicitor is any solicitor—
  - (a) who—
    - (i) has given notice under subsection (1) of section 148C of this Act that that solicitor is engaged by the accused for the purposes of the accused's defence at the trial; and
    - (ii) has not given notice under subsection (3) of that section;
  - (b) who has represented the accused as mentioned in subsection (2) of that section; and—
    - (i) has given notice as mentioned in that subsection; and
    - (ii) has not given notice under subsection (3) of that section; or
  - (c) who—
    - (i) has been appointed to act for the purposes of the accused's defence at the trial under section 150A(4)(b) or (7) or 288D of this Act; and
    - (ii) has not been relieved of the appointment by the court.”.