



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XIII

#### MISCELLANEOUS

##### *Warrants*

#### **296 Warrants for search and apprehension to be signed by judge.**

Any warrant for search or apprehension granted under this Act shall be signed by the judge granting it, and execution upon any such warrant may proceed either upon the warrant itself or upon an extract of the warrant issued and signed by the clerk of court.

#### **297 Execution of warrants and service of complaints, etc.**

- (1) Any warrant granted by a justice may, without being backed or endorsed by any other justice, be executed throughout Scotland in the same way as it may be executed within the jurisdiction of the justice who granted it.
- (2) Any complaint, warrant, or other proceeding for the purposes of any summary proceedings under this Act may without endorsement be served or executed at any place within Scotland by any officer of law, and such service or execution may be proved either by the oath in court of the officer or by production of his written execution.
- (3) A warrant issued in the Isle of Man for the arrest of a person charged with an offence may, after it has been endorsed by a justice in Scotland, be executed there by the person bringing that warrant, by any person to whom the warrant was originally directed or by any officer of law of the sheriff court district where the warrant has been endorsed in like manner as any such warrant issued in Scotland.
- (4) In subsection (3) above, “endorsed” means endorsed in the like manner as a process to which section 4 of the <sup>M1</sup>Summary Jurisdiction (Process) Act 1881 applies.
- (5) The <sup>M2</sup>Indictable Offences Act Amendment Act 1868 shall apply in relation to the execution in Scotland of warrants issued in the Channel Islands.

*Status: Point in time view as at 01/10/2017.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Cross Heading: Warrants is up to date with all changes known to be in force on or before 09 September 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)*

#### Extent Information

**E1** S. 297 extends to Scotland only except s. 297(3)and(4) which also extend to the Isle of Man

#### Marginal Citations

**M1** 1881 c.24.

**M2** 1868 c.107.

### [<sup>F1</sup>297A Re-execution of apprehension warrants

- (1) This section applies where a person has been apprehended under a warrant (the “original warrant”) granted under this Act in relation to any proceedings.
- (2) If the person absconds, the person may be re-apprehended under the original warrant (and as if that warrant had not been executed to any extent).
- (3) If, for any reason, it is not practicable to bring the person before the court as required under a provision of this Act applying in the case, the person is to be brought before the court as soon as practicable after the relevant reason ceases to prevail.
- (4) Despite subsection (3) above, if—
  - (a) the original warrant was granted in solemn proceedings; and
  - (b) the impracticability arises because the person needs medical treatment or care, the person may be released.
- (5) A person released under subsection (4) above may be re-apprehended under the original warrant (and as if that warrant had not been executed to any extent).
- (6) Subsection (3) above does not affect the operation of section 22(1B) of this Act (which relates to liberation on an undertaking of persons apprehended under warrant granted in summary proceedings).
- (7) Nothing in this section prevents a court from granting a fresh warrant for the apprehension of the person.
- (8) Subject to this section are—
  - (a) any rule of law as to bringing a person before a court in pursuance of a warrant granted on petition (as referred to in section 34 of this Act);
  - (b) section 102A(10) of this Act;
  - (c) section 135(3) (including as applying in relation to sections 22(1B) and 156) of this Act;
  - (d) section 90A(9) of this Act.]

#### Textual Amendments

**F1** S. 297A inserted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), **ss. 33, 84**; [S.S.I. 2007/479](#), **art. 3(1)**, *Sch.* (as amended by [S.S.I. 2007/527](#))

**Status:**

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