

SCHEDULE 2

PART 1

FORM 26 Form of citation of witness or haver

Rule 18.8(1)

(date)

CITATION

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

To [A.B.] *(design)*

(Name) who is pursuing/defending a case against *(name)* [*or is a (specify) in the case of (name) against (name)*] has asked you to be a witness. You must attend the above sheriff court on *(insert date)* at *(insert time)* for that purpose, [and bring with you *(specify documents)*].

If you

- would like to know more about being a witness
- are a child under the age of 16
- think you may be a vulnerable witness within the meaning of section 11(1) of the Vulnerable Witnesses (Scotland) Act 2004 (that is someone the court considers may be less able to give their evidence due to mental disorder or fear or distress connected to giving your evidence at the court hearing)

you should contact *(specify the solicitor acting for the party or the party litigant citing the witness)* for further information.

If you are a vulnerable witness (including a child under the age of 16) then you should be able to use a special measure (such measures include use of a screen, a live TV link or a supporter, or a commissioner) to help you give evidence.

Expenses

You may claim back money which you have to spend and any earnings you have lost within certain specified limits, because you have to come to court on the above date. These may be paid to you if you claim within specified time limits. Claims should be made to the person who has asked you to attend court. Proof of any loss of earnings should be given to that person.

If you wish your travelling expenses to be paid before you go to court, you should apply for payment to the person who has asked you to attend court.

Failure to attend

It is very important that you attend court and you should note that failure to do so may result in a warrant being granted for your arrest. In addition, if you fail to attend without any good reason, having requested and been paid your travelling expenses, you may be ordered to pay a penalty not exceeding £250.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

If you have any questions about anything in this citation, please contact *(specify the solicitor acting for the party or the party litigant citing the witness)* for further information

Signed

[P.Q.], Sheriff Officer,

or [X.Y.], *(add designation and business address)*

Solicitor for the pursuer *[or defender]* *[or (specify)]*