

SCHEDULE 1

Rule 2(5)(a)

Form of citation of witnesses or havers

“Rule 8

FORM 5

To (name and designation),

YOU are required to attend at the Sheriff Court House at (address) on (date) at (time) as a witness at the instance of (insert “the Procurator Fiscal for the District of ” or name and address of person calling witness) at the INQUIRY then to be held into the circumstances of the DEATH of (name and address of deceased) and are required to bring with you []

If you—

- would like to know more about being a witness;
- are a child under the age of 16, or
- 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 inquiry)

you should contact (specify the Procurator Fiscal, police officer, sheriff officer or solicitor 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 the inquiry 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 the inquiry. 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 the inquiry, you should apply for payment to the person who has asked you to attend the inquiry.

Failure to attend

It is very important that you attend the inquiry 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.

If you have any questions about anything in this citation, please contact (specify the Procurator Fiscal, police officer, sheriff officer or solicitor citing the witness) for further information.

(Signature and designation of Procurator Fiscal, police officer, sheriff officer or solicitor)”