

**2023 No. 276**

**HIGH COURT OF JUSTICIARY**

**SHERIFF COURT**

**Act of Adjournal (Criminal Procedure Rules 1996 Amendment)  
(Witness Citations in Solemn Proceedings) 2023**

*Made* - - - - 27th September 2023

*Laid before the Scottish Parliament* 29th September 2023

*Coming into force* - - 1st November 2023

The High Court of Justiciary makes this Act of Adjournal under the powers conferred on it by section 305 of the Criminal Procedure (Scotland) Act 1995<sup>(a)</sup> and all other powers enabling it to do so.

**Citation and commencement, etc.**

**1.**—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Witness Citations in Solemn Proceedings) 2023.

(2) It comes into force on 1st November 2023.

(3) A certified copy is to be inserted in the Books of Adjournal.

**Amendment of the Criminal Procedure Rules 1996**

**2.**—(1) The Criminal Procedure Rules 1996<sup>(b)</sup> are amended in accordance with this paragraph.

(2) In the appendix—

(a) for Form 8.2-D (form of postal citation of witness to appear at a trial on indictment)<sup>(c)</sup> substitute Form 8.2-D set out in schedule 1 of this Act of Adjournal;

(b) for Form 8.2-F (form of personal citation of witness to appear at a trial on indictment)<sup>(d)</sup> substitute Form 8.2-F set out in schedule 2 of this Act of Adjournal.

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<sup>(a)</sup> 1995 c. 46. Section 305 was amended by section 111(1) of the Criminal Justice (Scotland) Act 2016 (asp 1) and by S.S.I. 2015/338, and was extended by section 386(3)(a) of the Proceeds of Crime Act 2002 (c. 29), section 36A(4) of the Serious Crime Act 2007 (c. 27) and section 32(5) of the Psychoactive Substances Act 2016 (c. 2).

<sup>(b)</sup> The Criminal Procedure Rules 1996 are in schedule 2 of the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513), last amended by S.S.I. 2023/169.

<sup>(c)</sup> Form 8.2-D was substituted by S.S.I. 2005/44.

<sup>(d)</sup> Form 8.2-F was substituted by S.S.I. 2005/44.

Edinburgh  
27th September 2023

*CJM SUTHERLAND*  
Lord Justice General  
I.P.D.

# SCHEDULE 1

Paragraph 2(2)(a)

## Form 8.2-D

Rule 8.2(3)

### Form of postal citation of witness to appear at a trial on indictment

#### Witness Citation

This document is a **citation**. It includes the details about giving your evidence as a witness during a criminal trial at court.

An **indictment** is a court document which sets out the criminal charges brought against an accused person.

**To:** *(insert name of witness)*

**Date of birth:** *(insert)*

**Address:** *(insert)*

**Date of citation:** *(insert)*

**You are a witness for the prosecution [or defence] in the criminal trial against *(name)*.**

This means you **must** attend at:

*(Place)* **High Court of Justiciary [or *(Place)* Sheriff Court]**

*(Address)*

On *(date)* at *(time)*

**If you do not attend court or if you are not at court at the right time, the court may grant a warrant for your arrest and you could be arrested by the police.**

#### What you need to do next

Please complete, sign and return the enclosed response form to the Prosecutor [or the accused or the solicitor for the accused] in the pre-paid envelope provided by *(date)*.

We know attending court as a witness can be difficult. Please read the attached information to help you understand the process and how to get support if you need it.

**Prosecution reference *(if known)*:** .....

**Defence reference *(if known)*:** .....

*(Signed)*

Prosecutor

[or Accused or Solicitor for the Accused]

*(Name, address, email address and telephone number)*

### **Information to help you as a witness**

**You are doing an important job as a witness – thank you.**

#### **Your contact point**

The following person is your contact point if you need to speak to anyone about receiving this citation or you cannot attend court:

Name: *(insert)*

Address: *(insert)*

Telephone number: *(insert)*

Email address: *(insert)*

#### **If you cannot attend court on the date of the trial**

Anyone who receives a witness citation must come to court on the date provided. As you could be arrested if you fail to come to court, you must tell your contact point straight away if there is an important reason you cannot attend on the date of the trial.

#### **If you are unwell**

If you are unwell on the day of the trial, tell your contact point as soon as possible. You must obtain a medical certificate or letter from a registered medical practitioner (i.e. a doctor) or a registered psychologist (i.e. a psychologist registered with the Health and Care Professions Council). Please provide this to your contact point to show that you are not fit to attend court to give evidence and why.

#### **If you are worried about giving evidence**

Speak to your contact point and explain what you are worried about and why you are worried. It may be possible for measures to be put in place that will make being a witness easier, like:

- going on a court familiarisation visit, so you know what to expect,
- attending court virtually (for example, if you live or work in a different part of the country from where the court building is that you need to attend),
- using a different door to other people to go into court, so you do not have to see them,
- using a different waiting room before you go into court,
- having a supporter with you in the courtroom,
- giving your evidence behind a screen, so you cannot see the accused when you are giving evidence,
- having breaks from court, when you need to.

**Please be sure to plan your journey to court carefully, giving yourself plenty of time to get there.**

**If you need extra support in court**

If you need any extra support when you attend court as a witness, please let your contact point know as soon as you can. Your contact point will be able to answer questions which you may have and help put arrangements in place as early as is possible to make your visit to court easier.

For example, you may need extra support if you:

- require an interpreter,
- have any cultural or religious needs,
- have reduced mobility,
- need help to hear or see properly,
- have a disability.

**Expenses for attending court**

Please speak to your contact point to find out if you are able to claim any expenses for attending court.

SCHEDULE 2

Paragraph 2(2)(b)

Form 8.2-F

Rule 8.2(4)

Form of personal citation of witness to appear at a trial on indictment

Witness citation

This document is a **citation**. It includes the details about giving your evidence as a witness during a criminal trial at court.

An **indictment** is a court document which sets out the criminal charges brought against an accused person.

To: *(insert name of witness)*

Date of birth: *(insert)*

Address: *(insert)*

Date of citation: *(insert)*

You are a witness for the prosecution [or defence] in the criminal trial against *(name)*.

This means you **must** attend at:

*(Place)* **High Court of Justiciary** [or *(Place)* **Sheriff Court**]

*(Address)*

On *(date)* at *(time)*

**If you do not attend court or if you are not at court at the right time, the court may grant a warrant for your arrest and you could be arrested by the police.**

We know attending court as a witness can be difficult. Please read the attached information to help you understand the process and how to get support if you need it.

Prosecution reference *(if known)*: .....

Defence reference *(if known)*: .....

*(Signed)*

Officer of law

*(Name, address, email address and telephone number)*

### Information to help you as a witness

**You are doing an important job as a witness – thank you.**

#### **Your contact point**

The following person is your contact point if you need to speak to anyone about receiving this citation or you cannot attend court:

Name: *(insert)*

Address: *(insert)*

Telephone number: *(insert)*

Email address: *(insert)*

#### **If you cannot attend court on the date of the trial**

Anyone who receives a witness citation must come to court on the date provided. As you could be arrested if you fail to come to court, you must tell your contact point straightaway if there is an important reason why you cannot attend on the date of the trial.

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## **EXPLANATORY NOTE**

*(This note is not part of the Act of Adjournal)*

This Act of Adjournal amends the appendix of the Criminal Procedure Rules 1996 (“the 1996 Rules”) to insert revised solemn witness citation forms.

Paragraph 2 substitutes a new Form 8.2-D and Form 8.2-F. Both of these forms have been revised to contain more accessible language and explain what steps a witness must take if they are unwell on the day of trial or if they are concerned about attending court.

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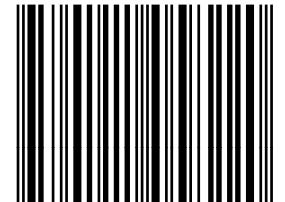




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