



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

Citation of Accused, Witnesses and Jurors

69 Warrants for citation.

When any sitting of the sheriff court or of the High Court has been appointed to be held for the trial of persons accused on indictment, the sheriff clerk of the district in which the [^{F1}trial diet] is to be called, where such trials are to take place in the sheriff court, or the Clerk of Justiciary, where such trials are to take place in the High Court, shall issue a warrant to officers of law to cite persons accused, witnesses, and jurors, [^{F2}in such form as may be prescribed by Act of Adjournal, or as nearly as may be in such form]; and the execution of the citation against such accused persons shall be [^{F2}in such form as may be prescribed by Act of Adjournal, or as nearly as may be in such form]; and the execution of the citation of witnesses shall be conform to Schedule D to that Act; and the execution of the citation of jurors shall be conform to Schedule E to that Act; and such warrant authenticated by the signature of such clerk, or a duly certified copy thereof, shall be a sufficient warrant to all officers competent.

... ^{F3} the executions mentioned in this section may, instead of being conform to the said Schedules [^{F4}D and E], be in the form set out in an Act of Adjournal under this Act or as nearly as may be in such form.

Textual Amendments

- F1 Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), Sch. 4 para. 2, [Sch. 6 para. 1](#)
- F2 Words substituted by [S.I. 1988/110, rule 10\(2\)\(a\)](#)
- F3 Words repealed by [S.I. 1981/1766, para. 2\(3\)\(b\)](#) and by [S.I. 1988/110, rule 10\(2\)\(b\)](#)
- F4 Words substituted by [S.I. 1988/110, rule 10\(2\)\(b\)](#)

Modifications etc. (not altering text)

- C1 “that Act” means [Criminal Procedure \(Scotland\) Act 1887 \(c. 35, SIF 39:1\)](#)

Status: Point in time view as at 01/02/1991.

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70 Service of indictment and list of witnesses.

The accused shall be served with a full copy of the indictment and of the list of the names and addresses of the witnesses to be adduced by the prosecution.

71 Manner of service of indictment, etc.

Service of indictment, list of witnesses and list of productions appended thereto, and all notices or intimations to the accused, and all citations of witnesses, whether for precognition or trial, may be made or given by any [^{F5}officer of law].

Textual Amendments

F5 Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\), Sch. 6 para. 1, Sch. 7 para. 27](#)

72 Officers may cite jurors and witnesses, without witnesses and oath of officer sufficient evidence of citation.

It shall be sufficient for the citation of any juror or witness that such citation be given by any officer of law duly authorised, without witnesses; and the oath of such officer in support of the execution shall be held and received as sufficient evidence of such citation when the same shall be questioned in a court of law.

73 Execution of citation of indictment.

- (1) It shall be no objection to the service of an indictment, or to the citation of any juror or witness, that the officer who discharged the duty was not at the time in possession of the warrant of citation; and it shall not be necessary to produce the execution of citation of any indictment, unless sentence of forfeiture of a bond of caution granted for appearance to stand trial shall be moved for, but without prejudice to such execution being exhibited to disprove objections to service when stated to the court.
- (2) It shall be no objection to the admissibility of the officer or witness who served such indictment to give evidence respecting such service that his name is not included in the list of witnesses served on the accused.

74 Proceedings against bodies corporate.

- (1) In any proceedings against a body corporate, the indictment may be served by delivery of a copy of the indictment with notice to appear attached thereto at the registered office or, if there is no registered office or the registered office is not in the United Kingdom, at the principal place of business in the United Kingdom of the body corporate.

Where a letter containing a copy of the indictment has been sent by registered post or by the recorded delivery service to the registered office or principal place of business of the body corporate, an acknowledgment or certificate of the delivery of the letter issued by the Post Office shall be sufficient evidence of the delivery of the letter at the registered office or place of business on the day specified in such acknowledgment or certificate.

- (2) In any such proceedings as aforesaid the body corporate may, for the purpose of—

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- (a) stating objections to the competency or relevancy of the indictment or proceedings; or
 - (b) tendering a plea of guilty or not guilty; or
 - (c) making a statement in mitigation of sentence;
- appear by a representative of the body corporate.
- (3) F6
- (4) Where at the [^{F7}trial diet] in any such proceedings as aforesaid the body corporate does not appear in accordance with the provisions of subsection (2) of this section, or by counsel or a solicitor, the court shall, on the motion of the prosecutor, if it is satisfied that the provisions of subsection (1) of this section have been complied with, proceed to hear and dispose of the case in the absence of the body corporate.
- (5) Where in any such proceedings as aforesaid a body corporate is sentenced to a fine, the fine may be recovered in like manner in all respects as if a copy of the sentence certified by the clerk of the court were an extract decree of the Court of Session for the payment of the amount of the fine by the body corporate to the Queen's and Lord Treasurer's Remembrancer.
- (6) Nothing contained in section 103 or 105 of this Act shall require a plea tendered by or on behalf of a company to be signed.
- (7) If on the application of the procurator fiscal, a sheriff is satisfied that there is reasonable ground for suspecting that an offence has been or is being committed by a body corporate, the sheriff shall have the like power to grant warrant for the citation of witnesses and the production of documents and articles as he would have if a petition charging an individual with the commission of the offence were presented to him.
- (8) In this section, the expression "representative", in relation to a body corporate against which such proceedings as aforesaid are brought, means an officer or servant of the body corporate duly appointed by it for the purpose of those proceedings. Such appointment need not be under the seal of the body corporate, and a statement in writing purporting to be signed by the managing director of, or by any person having or being one of the persons having the management of the affairs of the body corporate, to the effect that the person named in the statement has been appointed the representative of the body corporate for the purpose of the said proceedings shall be admissible without further proof as evidence that the person has been appointed.

Textual Amendments

- F6** Ss. 74(3), 105–107, 120–122 repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), Sch. 6 para. 1, 8, **Sch. 8**
- F7** Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), Sch. 4 para. 3(b), **Sch. 6 para. 1**

Modifications etc. (not altering text)

- C2** S. 74 extended by [Companies Act 1985 \(c. 6, SIF 27\)](#), s. 734(4); modified by [Insurance Companies Act 1982 \(c. 50, SIF 67\)](#), s. 92(4)
- C3** S. 74 extended by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 203(4), and by [Banking Act 1987 \(c. 22, SIF 10\)](#), s. 98(4)

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C4 S. 74 applied by Companies Act 1989 (c. 40, SIF 27), ss. 44(4), 91(4) (the application being in force as regards s. 91(4) and as regards s. 44(4) being in force for certain purposes only as mentioned in S.I. 1990/142, Sch. and being otherwise *prosp.*)

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