



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XII

#### EVIDENCE

##### *Witnesses*

#### [<sup>F1</sup>267A Citation of witnesses for precognition

- (1) This Act shall be sufficient warrant for the citation of witnesses for precognition by the prosecutor, whether or not any person has been charged with the offence in relation to which the precognition is taken.

[ Subsection (1) extends to citation for precognition by the prosecutor where a European  
<sup>F2</sup>(1A) investigation order having effect by virtue of Part 3 of the Criminal Justice (European Investigation Order) Regulations 2017 contains a request for a person in Scotland to be heard under regulations 35 to 37 of those Regulations.]

- (2) Such citation shall be in the form prescribed by Act of Adjournal or as nearly as may be in such form.
- (3) A witness who, having been duly cited—
- fails without reasonable excuse, after receiving at least 48 hours notice, to attend for precognition by a prosecutor at the time and place mentioned in the citation served on him; or
  - refuses when so cited to give information within his knowledge regarding any matter relative to the commission of the offence in relation to which the precognition is taken,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to a term of imprisonment not exceeding 21 days.]

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*Status: Point in time view as at 31/07/2017. This version of this provision has been superseded.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 267A is up to date with all changes known to be in force on or before 22 May 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)*

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#### Textual Amendments

- F1** S. 267A inserted (4.10.2004) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), **ss. 22**, **27(1)**; [S.S.I. 2004/405](#), **art. 2**, **Sch. 1** (subject to savings in arts. 3-5)
- F2** S. 267A(1A) inserted (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), reg. 1(1), **Sch. 3 para. 3(3)** (with reg. 3)

**Status:**

Point in time view as at 31/07/2017. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 267A is up to date with all changes known to be in force on or before 22 May 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.