

PE2073/D: Ensure accurate information is used when issuing court summons

Lord Advocate written submission, 25 April 2025

Thank you for your letter of 10 March 2025 in which you highlight the petition which has been lodged with the Committee in respect of accuracy of information in the processes around citations and warrants.

Firstly, I can confirm that without more information about the incident founding the petition, I cannot comment on the individual circumstances and in particular whether the proper process was adhered to. However, as was laid out in the submission of the Scottish Courts and Tribunals Service to the Committee provided on 18 July 2024, I should highlight that if the person referred to in the petition was an accused person, the responsibility to update the court on a change of address rests with them.

As you will note, the Crown Office and Procurator Fiscal Service lodged with the Committee on 13 February 2024 submissions, detailing the existing process for the obtaining of a warrant for both accused persons and witnesses. As a generality, these processes subsist. I would, however, update the Committee in terms of my statement to the Parliament on 10 October 2024, where I advised Parliament of my intention to introduce temporary guidance to prosecutors to assist in alleviating some of the current pressures on the prison population. In this statement I made specific reference to my instruction that pre-conviction warrants should not normally be obtained by prosecutors and executed by the police unless there is no immediate alternative to securing the accused's attendance, or where the accused represents an immediate risk to others.

I can further advise that a joint inspection is soon to be commenced by HM Inspectorate of Prosecution in Scotland and HM Inspectorate of Constabulary in Scotland with a view to consideration of the processes for citation of witnesses and whether any modernisation of these is required. I have attached [the terms of reference pertaining to the joint inspection](#).

I hope this reassures the Committee that the issues raised are actively being considered.

Yours sincerely,

**THE RIGHT HONOURABLE DOROTHY BAIN KC
LORD ADVOCATE**