

**for the Citizen Participation and Public Petitions  
Committee on petition [PE2073](#): Ensure accurate  
information is used when issuing court summons,  
lodged by Robert Macdonald**

**Brief overview of issues raised by the petition**

The petition calls for the Scottish Parliament to urge the Scottish Government to require the police and court services to check address information is up to date when issuing court summons. This would allow those being summoned the chance to receive a summons if their address has changed, rather than the current system of proceeding to issue a warrant for arrest.

**Background Information**

**Service of summons**

A summons, also known as a citation or summary/copy complaint, is a document which tells an accused person when and where to attend court. It will also state what offence they have been accused of.

[Section 141 of the Criminal Procedure \(Scotland\) Act 1995](#) outlines how citations in summary criminal matters must be delivered. Summary matters are less serious offences and are dealt with by either a justice of the peace or sheriff court.

Subsection 1 of section 141 of this Act outlines how the accused in a summary prosecution can be cited to attend court. This can be done by delivering the citation to them personally or leaving it for them with a resident at their home or an employee at their place of business.

Subsection 3 outlines how the citation can also be delivered by post in a registered envelope, by recorded delivery or by ordinary post to the home or place of business of the accused. Where the citation is delivered in this way and not personally as in subsection 1, the Act states that:

“Where the accused fails to appear at a diet or sitting or adjourned diet or sitting to which he has been cited in the manner provided by this section, sections 143(7), 150(3) and 150A(1) of this Act shall not apply unless it is proved to the court that he received the citation or that its contents came to his knowledge.”

[Section 150\(3\) of the 1995 Act](#), as mentioned above, states, “the court may grant a warrant to apprehend the accused”.

Where Police Scotland are responsible for serving the summons they will follow the procedure set out in their [Service of Legal Documents Standard Operating Procedure](#) (SOP). Section 8 of this document covers the service of copy complaints from a summary court. This includes making “sufficient enquiry” as is outlined in section 14 of this SOP.

### **Warrant procedure**

A warrant is a document that is granted by the court and gives police officers the authority to arrest someone. An apprehension warrant can be issued for the arrest of someone who is accused of an offence and has failed to attend court with the purpose of bringing them before the court. The warrant will be sent by the Procurator Fiscal to Police Scotland for execution. [Section 135 of the Criminal Procedure Scotland \(Act\) 1995](#) allows someone to be detained in a police station until they can be brought before a court following the execution of an apprehension warrant.

**Kirsty Deacon**  
**Senior Researcher**  
19 January 2024

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP