



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 8

EVIDENTIAL, JURISDICTIONAL AND PROCEDURAL MATTERS

Procedural matters

61 Citation other than by service of indictment or complaint

(1) In section 66 of the 1995 Act (service and lodging of indictment etc.)—

(a) for subsection (4) there is substituted—

“(4) The accused may be cited either—

(a) by being served with a copy of the indictment and of the list of the names and addresses of the witnesses to be adduced by the prosecution; or

(b) by a constable affixing to the door of the accused’s dwelling-house or place of business a notice in such form as may be prescribed by Act of Adjournal, or as nearly as may be in such form—

(i) specifying the date on which it was so affixed;

(ii) informing the accused that he may collect a copy of the indictment and of such list as is mentioned in paragraph (a) above from a police station specified in the notice; and

(iii) calling upon him to appear and answer to the indictment at such diet as shall be so specified.

(4A) Where a date is specified by virtue of sub-paragraph (i) of subsection (4)(b) above, that date shall be deemed the date on which the indictment is served; and the copy of the indictment referred to in sub-paragraph (ii) of that subsection shall, for the purposes of subsections (12) and (13) below be deemed the service copy.

(4B) Paragraphs (a) and (b) of subsection (6) below shall apply for the purpose of specifying a diet by virtue of subsection (4)(b)(iii) above

Changes to legislation: *Criminal Justice (Scotland) Act 2003, Section 61 is up to date with all changes known to be in force on or before 08 April 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) View outstanding changes*

- as they apply for the purpose of specifying a diet in any notice under subsection (6).”;
- (b) in subsection (6)—
 - (i) for the words “Except where the indictment is served” there is substituted “ If the accused is cited by being served with a copy of the indictment, then except where such service is ”; and
 - (ii) in paragraph (b), the words “and notice” are repealed;
 - (c) in subsection (7), at the beginning there is inserted “ Subject to subsection (4) (b) above, ”;
 - (d) in subsection (8), after the word “indictment” there is inserted “ , to citation under subsection (4)(b) above ”;
 - (e) in subsection (11), after the word—
 - (i) “indictment” there is inserted “ , or who executed a citation under subsection (4)(b) above, ”; and
 - (ii) “service” there is inserted “ or execution ”;
 - (f) in subsection (13), the words “required to be” are repealed; and
 - (g) in subsection (14)—
 - (i) for the word “of”, in the second place where it occurs, there is substituted “ or ”; and
 - (ii) for the words “requiring to be” there is substituted “ so ”.
- (2) In section 140(2) of that Act (form of citation in summary proceedings), at the beginning there is inserted “ Without prejudice to section 141(2A) of this Act, ”.
- (3) In section 141 of that Act (manner of citation in such proceedings)—
- (a) after subsection (2) there is inserted—
 - “(2A) Notwithstanding subsection (1) above and section 140(2) of this Act, citation of the accused may also be effected by an officer of law affixing to the door of the accused’s dwelling-house or place of business a notice in such form as may be prescribed by Act of Adjournal, or as nearly as may be in such form—
 - (a) specifying the date on which it was so affixed;
 - (b) informing the accused that he may collect a copy of the complaint from a police station specified in the notice; and
 - (c) calling upon him to appear and answer the complaint at such diet as shall be so specified.
 - (2B) Where the citation of the accused is effected by notice under subsection (2A) above, the induciae shall be reckoned from the date specified by virtue of paragraph (a) of that subsection.”;
 - (b) in subsection (3), after the word “below” there is inserted “ and without prejudice to the effect of any other manner of citation ”;
 - (c) in subsection (5), after the word “subsection”, in the first place where it occurs, there is inserted “ (2A) or ”; and
 - (d) in subsection (7)—
 - (i) the existing words from “a citation” to the end shall be paragraph (a); and
 - (ii) after that paragraph there shall be added the word “ ; or ” and the following paragraph—

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“(b) citation has been effected by notice under subsection (2A) above, if there is produced in court a written execution, in such form as may be prescribed by Act of Adjournal, or as nearly as may be in such form, signed by the officer of law who affixed the notice.”.

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to [legislation.gov.uk](#). This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)