



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XIII

#### MISCELLANEOUS

#### *[<sup>F1</sup>Intimation of certain applications to the High Court*

#### **[<sup>F1</sup>298A Intimation of bills and of petitions to the nobile officium**

- (1) This subsection applies where the prosecutor requires to intimate to the respondent—
  - (a) a bill of advocation;
  - (b) a petition to the nobile officium; <sup>F2</sup>...
  - (c) an order of the High Court [<sup>F3</sup>or the Sheriff Appeal Court] relating to such a bill or (as the case may be) petition.
- (2) Where subsection (1) above applies, the requirement may be met by serving on the respondent or the respondent's solicitor a copy of the bill, petition or (as the case may be) order.
- (3) Service under subsection (2) above may (in relation to any proceedings) be effected—
  - (a) on the respondent, in the same manner as citation under section 141 of this Act;
  - (b) on the respondent's solicitor, by post.
- (4) This subsection applies where a person requires to intimate to the prosecutor—
  - (a) a bill of suspension or advocation;
  - (b) a petition to the nobile officium; <sup>F4</sup>...
  - (c) an order of the High Court [<sup>F5</sup>or the Sheriff Appeal Court] relating to such a bill or (as the case may be) petition.
- (5) Where subsection (4) above applies, the requirement may be met by serving on the prosecutor a copy of the bill, petition or (as the case may be) order.

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 298A is up to date with all changes known to be in force on or before 13 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*

- (6) Service under subsection (5) above may (in relation to any proceedings) be effected by post.
- (7) It is sufficient evidence that service has been effected under subsection (3) or (6) above if there is produced a written execution—
- (a) in the form prescribed by Act of Adjournal or as nearly as may be in such form; and
  - (b) signed by the person who effected service.
- (8) In relation to service effected by means of registered post or the recorded delivery service, the relevant post office receipt requires to be produced along with the execution mentioned in subsection (7) above.
- (9) A party who has service effected under subsection (3) or (6) above must, as soon as practicable thereafter, lodge with the Clerk of Justiciary [<sup>F6</sup>or the Clerk of the Sheriff Appeal Court (as the case may be)] a copy of the execution mentioned in subsection (7) above.
- (10) For the purpose of subsection (3)(a) above, section 141 of this Act is to be read with such modifications as are necessary for its application in the circumstances.
- (11) This section is without prejudice to any rule of law or practice by virtue of which things of the kinds mentioned in subsections (1) and (4) above (including copies) may be intimated or served.]

#### Textual Amendments

- F1** S. 298A and cross-heading inserted (10.12.2007) by *Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)*, **ss. 38, 84**; S.S.I. 2007/479, **art. 3(1)**, Sch. (as amended by S.S.I. 2007/527)
- F2** Word in s. 298A(1)(b) repealed (22.9.2015) by *The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338)*, art. 1, **sch. 2 para. 5(16)(a)(i)** (with art. 4)
- F3** Words in s. 298A(1)(c) inserted (22.9.2015) by *The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338)*, art. 1, **sch. 2 para. 5(16)(a)(ii)** (with art. 4)
- F4** Word in s. 298A(4)(b) repealed (22.9.2015) by *The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338)*, art. 1, **sch. 2 para. 5(16)(b)(i)** (with art. 4)
- F5** Words in s. 298A(4)(c) inserted (22.9.2015) by *The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338)*, art. 1, **sch. 2 para. 5(16)(b)(ii)** (with art. 4)
- F6** Words in s. 298A(9) inserted (22.9.2015) by *The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338)*, art. 1, **sch. 2 para. 5(16)(c)** (with art. 4)

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 298A is up to date with all changes known to be in force on or before 13 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.

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**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. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)