

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

Scottish Courts and Tribunals Service (SCTS) written submission, 18 July 2024

I would firstly offer my apologies to the Committee for the delay in responding to your request, this was caused by an administrative oversight. I am grateful to have been given a further opportunity to respond.

I have set out below a general response to the matters raised in the petition which 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 and 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”.

A warrant for arrest can be granted for an accused or a witness at a number of different court hearings, in solemn and summary proceedings. Citation of the accused in summary proceedings and service of the indictment in solemn proceedings is the responsibility of COPFS, the court is not involved in this process¹.

If, for whatever reason, the citation in summary proceedings is not effected, the COPFS may apply to the court for an initiating warrant.

Accused address information

When criminal proceedings are initiated by the COPFS, the details of each case, including the address of the accused, are sent electronically to the SCTS's case management system.

Where the court has released the accused on bail and the accused intends to change their address, they are required to make application to the court for its alteration within seven days of the change happening. If an application is granted, the court record will be updated accordingly. If an accused is ordained to appear at a future hearing, there is an onus on the accused or their legal representative to ensure that the personal information the court has is current.

It is also common for the court to confirm directly with the accused that the address information it has is accurate at various stages of the proceedings. As noted above where the accused is on bail they must submit an application to court when changing their address.

¹ Sections 66 (solemn) and 140 (summary) of the Criminal Procedure (Scotland) Act 1995 (the 1995 Act)

Warrants

Where a person fails to appear at a pre-conviction court diet having been lawfully cited, the COPFS may apply for a warrant for the apprehension of the accused².

It is a matter for the court to consider whether such warrants should be granted on the information provided to it by the COPFS, having considered the relevant legislative provisions.

In post-conviction proceedings, including breach proceedings³ and fines⁴ enquiry/enforcement courts, it is a matter for the court to consider whether a warrant to apprehend the offender is to be granted, should they fail to appear at a diet. The court will consider any information it has before doing so including any representations from the accused's legal representative given there may be a genuine reason for the failure to appear (such as a medical emergency).

A warrant can also be granted by the sheriff if the accused's whereabouts are unknown, for example following a citation or mail being returned to the court.

Witness – warrant for apprehension

Where a witness, having been duly cited, fails to appear at a trial diet for the purposes of giving evidence the court can grant a warrant for their arrest⁵. The address of the witness would be provided by either COPFS or the defence in court, depending on whose witness had failed to appear. The party seeking the warrant would also provide proof of citation to the court.

Initiating Warrants – data

The SCTS has recently published a report providing an overview of the number/ type and the stage warrants have been issued by the courts, this includes initiating warrants. The report will be published annually and can be found at the link below (Tab 9 of the spreadsheet).

[Courts Data Scotland: Criminal](#)

For ease, the information has also been re-produced in the Annex to this response. This publication does not include fines or witness warrants granted. Should the Committee consider that this information would assist in their consideration of this petition, the SCTS would require further time to provide this specific information.

² Sections 102A and 150 of the 1995 Act apply to solemn summary proceedings respectively. It remains competent for a court to grant a petition warrant on a charge of failure to appear or breach of bail, whether or not a non-appearance warrant has been granted for a contravention of section 102A of the 1995 Act (Source: para 18.10-2 Renton and Brown Criminal Procedure 6th Edition)

³ Where an alleged breach of a community order is first reported to the court – it will be a matter for the court to consider whether the person subject to the order is to be cited to attend a diet of court to answer the alleged breach or alternatively to grant a warrant for the arrest of the person – for example see section 227ZC(1) and (2) of the 1995 Act in relation to community payback orders.

⁴ Section 216(1) of the 1995 Act.

⁵ Sections 90A (solemn) and 156 (summary) of the 1995 Act.

I hope that the above information is useful. Should you require any further information, including available statistical data, please do not hesitate to get in touch.

Yours sincerely,

Eric McQueen
Chief Executive

Annex

Note: The Scottish Courts and Tribunals Service uses a live operational case management system for the processing of court business. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes.

All Criminal courts											
Warrant type:		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Pre-conviction	Petition Initiating Warrant	2,317	2,161	2,199	2,085	2,177	2,531	3,210	3,057	3,045	3,145
	Summary Initiating or Expediency Warrant	5,645	5,360	5,343	5,278	5,013	4,911	3,358	4,392	3,799	4,891
	Indictment Non-appearance Warrant	640	688	605	433	418	500	201	676	1,168	1,253
	Summary Non-appearance Warrant	17,754	18,794	17,014	15,629	13,986	13,349	5,058	10,373	17,172	15,595
Post Conviction	Breach Non-appearance Warrant	2,139	2,098	2,207	2,512	2,310	2,287	894	1,270	1,788	2,316
	Indictment Non-appearance Warrant	251	235	216	222	217	206	119	219	351	485
	Summary Non-appearance Warrant	7,724	7,461	7,735	7,612	7,073	6,690	3,002	4,415	5,992	7,647
All warrants issued		36,470	36,797	35,319	33,771	31,194	30,474	15,842	24,402	33,315	35,332

High Court											
Warrant type:		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Pre-conviction	Indictment Non-appearance Warrant	23	39	38	27	35	47	27	39	55	55
Post Conviction	Breach Non-appearance Warrant	3	3	3	0	2	0	0	0	2	2
	Indictment Non-appearance Warrant	2	3	4	0	1	2	0	0	5	3
All warrants issued		28	45	45	27	38	49	27	39	62	60

Sheriff Court - Solemn											
Warrant type:		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Pre-conviction	Petition Initiating Warrant	2,317	2,161	2,199	2,085	2,177	2,531	3,210	3,057	3,045	3,145
	Indictment Non-appearance Warrant	617	649	567	406	383	453	174	637	1,113	1,198
Post Conviction	Breach Non-appearance Warrant	155	128	147	182	138	171	69	134	202	314
	Indictment Non-appearance Warrant	249	232	212	222	216	204	119	219	346	482
All warrants issued		3,338	3,170	3,125	2,895	2,914	3,359	3,572	4,047	4,706	5,139

Sheriff Court - Summary											
Warrant type:		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Pre-conviction	Summary Initiating or Expediency Warrant	3,029	3,075	3,267	3,216	2,874	3,464	2,953	3,404	2,975	3,957
	Summary Non-appearance Warrant	10,374	11,532	11,004	10,753	9,696	9,619	4,238	8,463	13,929	13,271
Post Conviction	Breach Non-appearance Warrant	1,836	1,840	1,895	2,156	2,038	1,993	815	1,129	1,573	1,992
	Summary Non-appearance Warrant	6,321	6,495	6,807	6,826	6,409	6,136	2,855	4,153	5,749	7,418
All warrants issued		21,560	22,942	22,973	22,951	21,017	21,212	10,861	17,149	24,226	26,638

Justice of the Peace Court											
Warrant type:		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Pre-conviction	Summary Initiating or Expediency Warrant	2,616	2,285	2,076	2,062	2,139	1,447	405	988	824	934
	Summary Non-appearance Warrant	7,380	7,262	6,010	4,876	4,290	3,730	820	1,910	3,243	2,324
Post Conviction	Breach Non-appearance Warrant	145	127	162	174	132	123	10	7	11	8
	Summary Non-appearance Warrant	1,403	966	928	786	664	554	147	262	243	229

Notes

1. Warrants granted in the period shown may relate to cases registered in previous financial years. Warrants granted is sometimes referred to as warrants issued.
2. An accused person may have multiple warrants granted across multiple cases.
3. SCTS is responsible for issuing warrants granted by the court and the SCTS case management system is designed to record this event. It is not designed to provide real-time updates on the status of previously granted warrants. Therefore, SCTS cannot provide statistics on outstanding warrants.
4. The SCTS case management system does not hold information on utility warrants.
5. Witness and fines enquiry/ enforcement non-appearance warrant information is not included in the above report.