

Citizen Participation and Public Petitions Committee
Wednesday 5 March 2025
4th Meeting, 2025 (Session 6)

PE2073: Ensure accurate information is used when issuing court summons

Introduction

Petitioner Robert Macdonald

Petition summary Calling on 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.

Webpage <https://petitions.parliament.scot/petitions/PE2073>

1. [The Committee last considered this petition at its meeting on 17 April 2024.](#) At that meeting, the Committee agreed to write to the Scottish Courts and Tribunals Service, and Police Scotland.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new written submission from the Scottish Courts and Tribunals Service (SCTS), which is set out in **Annexe C**. Police Scotland declined to provide a formal response on this occasion, indicating that the SCTS would hold the information the Committee had requested.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial position on this petition on 18 January 2024.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 7 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
February 2025

Annexe A: Summary of petition

PE2073: Ensure accurate information is used when issuing court summons

Petitioner

Robert Macdonald

Date Lodged

18 December 2023

Petition summary

Calling on 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.

Previous action

I have emailed Sharon Dowey MSP, Martin Whitfield MSP, Brian Whittle MSP, Colin Smyth MSP and Emma Harper MSP.

Background information

On Saturday 4th November 2023, Police Scotland attempted to arrest a paramedic at home due to missing a court date. The summons had been sent to a previous address and thus the paramedic had no knowledge of it. On the evening of the 6th of November, the individual was arrested and spent the night in the cells. The summons was for a court date in 2018.

This happened over Guy Fawkes weekend. This situation did not help the public, potentially putting the public at risk of harm by reducing medical cover on a weekend whereby significant burns and trauma are highly likely.

Police Scotland got the address for the warrant without difficulty; thus, one could argue they could have as easily gotten the address and delivered the summons. This would have saved significant time for police, public money, cell space, and court time.

Annexe B: Extract from Official Report of last consideration of PE2073 on 17 April 2024

The Convener: We come to our final new petition this morning. PE2073, lodged by Robert Macdonald, calls on the Parliament to urge the Scottish Government to require the police and court services to check that address information is up to date when issuing a court summons and to allow those being summoned the chance to receive a summons if their address has changed rather than the current system of simply proceeding to issue an arrest warrant.

The petition was prompted by the arrest of a paramedic who had missed a court date after the summons was sent to an old address. The petitioner insisted that, as the police were able to obtain the correct address for the individual, the court should have been able to issue the summons to the correct address. In essence, I think, the police were able to get the correct address to arrest the individual, but they were not able to get the correct address to issue the summons to.

The SPICe briefing outlines provisions in the Criminal Procedure (Scotland) Act 1995, including provisions for granting a warrant to apprehend the accused if it is proved to the court that the accused received the citation or has knowledge of its contents.

The Scottish Government has responded that the petition relates to an area in which it has no policy position or role, and that it is an operational matter for the Crown Office and Procurator Fiscal Service and Police Scotland.

We have also received a submission from the Crown Office and Procurator Fiscal Service, which adds further detail to the SPICe briefing on the processes and circumstances for seeking warrants for summary court proceedings. It notes that prosecutors should only seek initiating warrants where it is in the public interest to do so, for example, because there is information the accused is avoiding citation. It also notes that, where information is provided that the accused is no longer at their address, and their whereabouts are unknown, there is a mechanism for the outstanding warrant to be reviewed by a prosecutor who will, taking into account the prospects of tracing the accused and the nature of the offence, consider whether there is a public interest in pursuing the prosecution.

Do members have any suggestions for action? I am minded to keep the petition open at the moment. It struck me that there was a lack of basic shared communication that could have resolved the matter. Might we write to the Scottish Courts and Tribunals Service and Police Scotland to seek their views on the issues that have been raised by the petition—in particular, in the case that the petitioner raises, to ask how Police Scotland was able to identify where the individual was in order to perform an arrest, but it was not possible for that information to be made available when it came to sending the summons? Does that seem reasonable?

Members *indicated agreement.*

Foyso Choudhury: We should also ask whether there is any data on whether that circumstance is common in Scotland and the percentage of cases to which it applies.

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The Convener: I am quite happy to try to establish what information exists on the number of such occurrences.

Annexe C: Written submission

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

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

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.

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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 - overview of the number/ type and the stage warrants have been issued by the courts

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 |

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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.