

Citizen Participation and Public Petitions Committee
Wednesday 29 October 2025
16th 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 5 March 2025.](#) At that meeting, the Committee agreed to write to the Cabinet Secretary for Justice and Home Affairs and the Lord Advocate.
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 Lord Advocate, which is set out in **Annexe C**.
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 response to the petition on 18 January 2024.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 8 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
October 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 5 March 2025

The Convener: Our next continued petition, PE2073, was lodged by Robert Macdonald and calls on the Scottish Parliament to urge the Scottish Government to require the police and court services to check that address information is up to date when issuing court summons and to allow those being summoned the chance to receive a summons if their address has changed, instead of proceeding to issue a warrant for arrest, as under the current system.

We last considered the petition at our meeting on 17 April, when we agreed to write to the Scottish Courts and Tribunals Service and Police Scotland. As noted in our papers, Police Scotland declined to provide a formal response on this occasion, indicating that the SCTS held the information that we were requesting.

The SCTS response notes that, in cases in which the accused has been released on bail, the onus is on that individual or their legal representative to ensure that the personal information that the court has is current. An application must be submitted to the court if the accused intends to change their address. Where the accused fails to appear at a pre-conviction hearing, having been lawfully cited, the Crown Office and Procurator Fiscal Service may apply to the court for a warrant for the apprehension of the accused. It is then a matter for the court to consider whether such warrants should be granted based on the information provided by the COPFS.

The SCTS publishes an annual overview of the number, type and stage of warrants that have been issued by the courts. Indeed, an extract of the latest report is included in our papers.

In view of that direction, do members have any comments or suggestions as to how we might proceed?

Fergus Ewing: The background to the petition as originally set out by Mr Macdonald is a little bit alarming. It is worth quoting, for the sake of the petitioner. It says:

“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.”

The attempted arrest was around five years after the original summons. I am concerned that we have not had a proper explanation for that.

I have had a very disturbing case in the constituency of an individual—obviously, I will not mention their name—who was the victim of a road traffic incident. Information about a court diet was mistakenly sent to the accused person and not to him, for which no full explanation has ever been provided. Therefore, I am not sure that this is just a one-off.

I wonder whether, out of fairness to the individual whose situation is described in the petition, we need to give a little bit more thought to how to get to the bottom of this. It

is not clear to me what the status of the paramedic was, nor whether the requirement in the explanation that was provided by the public authority involved is applicable in this case—namely, that the onus was on the individual to inform the court of a change of address. If that is applicable, the point probably applies. However, if it is not applicable, we have not had an answer for the petitioner, and they have not had a proper hearing.

Perhaps we could give careful thought to this, in case I have got any of the detail of the situation wrong, in which case I would sincerely apologise to the committee for wasting time. However, this man was put in a cell in circumstances that seem to indicate some possible fault on the part of the state, and we cannot allow that to happen.

The Convener: What might we do, Mr Ewing, do you think?

Fergus Ewing: One option, which I have used in dealing with the constituency case that I have described, is to compile a letter to the Lord Advocate and seek her view as the person in overall charge of prosecutions in Scotland.

Foyso! Choudhury: Can we also write to Police Scotland? If the evidence shows that they have the wrong address, should the person not be given a chance to explain that before the arrest has been made, because that is totally unfair?

The Convener: I note that the petitioner's previous action was to write to their regional MSPs. I do not know whether any of them took it up by way of either a written or an oral question to the minister, which might have been one way of accelerating a response.

10:15

Foyso! Choudhury: I think that we should write to the minister.

The Convener: The committee does not pursue an individual case. We pursue a principle.

Fergus Ewing: We could also write back to the petitioner to seek a little bit more information and ask whether the public authority's explanation that the onus rests with the individual to inform of a change of address is applicable in this case.

The Convener: I suspect that Police Scotland will not comment on an individual case, but we could write to the Lord Advocate or the minister to try to establish some detail and say that we have noted the wider point about the onus of responsibility being on the individual, but the circumstances of this particular case are not entirely clear to us, so we are drawing it to the minister's attention to see whether they can give us some further assurance. Would that meet the committee's approval?

Members *indicated agreement.*

The Convener: We will do that.

Annexe C: Written submission

Lord Advocate written submission, 25 April 2025

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

Thank you for your letter of 10 March 2025 in which you highlight the petition which has been lodged with the Committee in respect of accuracy of information in the processes around citations and warrants.

Firstly, I can confirm that without more information about the incident founding the petition, I cannot comment on the individual circumstances and in particular whether the proper process was adhered to. However, as was laid out in the submission of the Scottish Courts and Tribunals Service to the Committee provided on 18 July 2024, I should highlight that if the person referred to in the petition was an accused person, the responsibility to update the court on a change of address rests with them.

As you will note, the Crown Office and Procurator Fiscal Service lodged with the Committee on 13 February 2024 submissions, detailing the existing process for the obtaining of a warrant for both accused persons and witnesses. As a generality, these processes subsist. I would, however, update the Committee in terms of my statement to the Parliament on 10 October 2024, where I advised Parliament of my intention to introduce temporary guidance to prosecutors to assist in alleviating some of the current pressures on the prison population. In this statement I made specific reference to my instruction that pre-conviction warrants should not normally be obtained by prosecutors and executed by the police unless there is no immediate alternative to securing the accused's attendance, or where the accused represents an immediate risk to others.

I can further advise that a joint inspection is soon to be commenced by HM Inspectorate of Prosecution in Scotland and HM Inspectorate of Constabulary in Scotland with a view to consideration of the processes for citation of witnesses and whether any modernisation of these is required. I have attached [the terms of reference pertaining to the joint inspection](#).

I hope this reassures the Committee that the issues raised are actively being considered.

Yours sincerely,

THE RIGHT HONOURABLE DOROTHY BAIN KC
LORD ADVOCATE