



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 2

CUSTODY: PERSON NOT OFFICIALLY ACCUSED

Investigative liberation

16 Release on conditions

- (1) Subsection (2) applies where—
- (a) a person is being held in police custody by virtue of authorisation given under section 7,
 - (b) a constable has reasonable grounds for suspecting that the person has committed a relevant offence, and
 - (c) either—
 - (i) the person has not been subject to a condition imposed under subsection (2) in connection with a relevant offence, or
 - (ii) it has not been more than 28 days since the first occasion on which a condition was imposed on the person under subsection (2) in connection with a relevant offence.
- (2) If releasing the person from custody, a constable may impose any condition that an appropriate constable considers necessary and proportionate for the purpose of ensuring the proper conduct of the investigation into a relevant offence (including, for example, a condition aimed at securing that the person does not interfere with witnesses or evidence).
- (3) A condition under subsection (2)—
- (a) may not require the person to be in a specified place at a specified time,
 - (b) may require the person—

Status: Point in time view as at 25/01/2018.

Changes to legislation: *Criminal Justice (Scotland) Act 2016, Section 16 is up to date with all changes known to be in force on or before 20 August 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)*

- (i) not to be in a specified place, or category of place, at a specified time, and
 - (ii) to remain outwith that place, or any place falling within the specified category (if any), for a specified period.
- (4) A condition imposed under subsection (2) is a liberation condition for the purposes of schedule 1.
- (5) In subsection (2), “an appropriate constable” means a constable of the rank of sergeant or above.
- (6) In this section, “a relevant offence” means—
- (a) the offence in connection with which the authorisation under section 7 has been given, or
 - (b) an offence arising from the same circumstances as that offence.

Commencement Information

II S. 16 in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#) (with [art. 4](#))

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