



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 3

CUSTODY: PERSON OFFICIALLY ACCUSED

Police liberation

25 Liberation by police

- (1) Subsection (2) applies when—
- (a) a person is in police custody having been arrested under a warrant (other than a warrant granted under section 37(1)), or
 - (b) a person—
 - (i) is in police custody having been arrested without a warrant, and
 - (ii) since being arrested, the person has been charged with an offence by a constable.
- (2) A constable may—
- (a) if the person gives an undertaking in accordance with section 26, release the person from custody,
 - (b) release the person from custody without such an undertaking,
 - (c) refuse to release the person from custody.
- (3) Where a person is in custody as mentioned in subsection (1)(a), the person may not be released from custody under subsection (2)(b).
- (4) A constable is not to be subject to any claim whatsoever by reason of having refused to release a person from custody under subsection (2)(c).