



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 1

#### ARREST AND CUSTODY

#### CHAPTER 3

#### CUSTODY: PERSON OFFICIALLY ACCUSED

##### *Police liberation*

#### **26 Release on undertaking**

- (1) A person may be released from police custody on an undertaking given under section 25(2)(a) only if the person signs the undertaking.
- (2) The terms of an undertaking are that the person undertakes to—
  - (a) appear at a specified court at a specified time, and
  - (b) comply with any conditions imposed under subsection (3) while subject to the undertaking.
- (3) The conditions which may be imposed under this subsection are—
  - (a) that the person does not—
    - (i) commit an offence,
    - (ii) interfere with witnesses or evidence, or otherwise obstruct the course of justice,
    - (iii) behave in a manner which causes, or is likely to cause, alarm or distress to witnesses,
  - (b) any further condition that a constable considers necessary and proportionate for the purpose of ensuring that any conditions imposed under paragraph (a) are observed.
- (4) Conditions which may be imposed under subsection (3)(b) include—
  - (a) a condition requiring the person—
    - (i) to be in a specified place at a specified time, and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) to remain there for a specified period,
- (b) a condition requiring the person—
  - (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.
- (5) For the imposition of a condition under subsection (3)(b)—
  - (a) if it is of the kind described in subsection (4)(a), the authority of a constable of the rank of inspector or above is required,
  - (b) if it is of any other kind, the authority of a constable of the rank of sergeant or above is required.
- (6) The requirements imposed by an undertaking to attend at a court and comply with conditions are liberation conditions for the purposes of schedule 1.