



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 4

POLICE INTERVIEW

Person officially accused

36 Authorisation: further provision

- (1) An application for authorisation may be made—
 - (a) where section 35(5) applies, by the prosecutor, or
 - (b) in any other case, by a constable.
- (2) In subsection (1)(a), “the prosecutor” means—
 - (a) where an indictment has been served on the person in respect of the High Court, Crown Counsel, or
 - (b) in any other case, the procurator fiscal.
- (3) Where an application for authorisation is made in writing (rather than orally) it must—
 - (a) be made in such form as may be prescribed by act of adjournal (or as nearly as may be in such form), and
 - (b) state whether another application has been made for authorisation to question the person about the offence or an offence arising from the same circumstances as the offence.
- (4) Authorisation ceases to apply as soon as either—
 - (a) the period specified under section 35(6)(a) expires, or
 - (b) the person’s trial in respect of the offence, or an offence arising from the same circumstances as the offence, begins.
- (5) For the purpose of subsection (4)(b), a trial begins—

Status: This is the original version (as it was originally enacted).

- (a) in proceedings on indictment, when the jury is sworn,
 - (b) in summary proceedings, when the first witness for the prosecution is sworn.
- (6) In this section—
- “authorisation” means authorisation under section 35,
 - “the offence” means the offence referred to in section 35(1).