



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 1

ARREST BY POLICE

Procedure following arrest

4 Arrested person to be taken to police station

(1) Where a person is arrested by a constable outwith a police station, a constable must take the person as quickly as is reasonably practicable to a police station.

[^{F1}(1A) But subsection (1) need not be complied with if—

- (a) either the warrant under which the person was arrested or an enactment requires that following the arrest the person be taken to a particular place (other than a police station), and
- (b) the taking of the person to that place would be unnecessarily delayed by taking the person to a police station first.]

(2) Subsection (1) ceases to apply, and the person must be released from police custody immediately, if—

- (a) the person has been arrested [^{F2}in respect of an offence] without a warrant,
- (b) the person has not yet arrived at a police station in accordance with this section, and
- (c) in the opinion of a constable there are no reasonable grounds for suspecting that the person has committed—
 - (i) the offence in respect of which the person was arrested, or
 - (ii) an offence arising from the same circumstances as that offence.

(3) For the avoidance of doubt, subsection (1) ceases to apply if, before arriving at a police station in accordance with this section, the person is released from custody under—

Status: Point in time view as at 25/01/2018.

Changes to legislation: *Criminal Justice (Scotland) Act 2016, Section 4 is up to date with all changes known to be in force on or before 10 June 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)*

- (a) section 25(2), or
- (b) section 28(3A) of the 1995 Act.

Textual Amendments

- F1** S. 4(1A) inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), regs. 1, **2(3)(a)**
- F2** Words in s. 4(2)(a) inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), regs. 1, **2(3)(b)**

Commencement Information

- I1** S. 4 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, **sch.** (with art. 4)

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