



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 5

RIGHTS OF SUSPECTS IN POLICE CUSTODY

Intimation and access to a solicitor

43 Right to have intimation sent to solicitor

- (1) A person who is in police custody has the right to have intimation sent to a solicitor of any or all of the following—
 - (a) the fact that the person is in custody,
 - (b) the place where the person is in custody,
 - (c) that the solicitor's professional assistance is required by the person,
 - (d) if the person has been officially accused of an offence—
 - (i) whether the person is to be released from custody, and
 - (ii) where the person is not to be released, the court before which the person is to be brought in accordance with section 21(2) and the date on which the person is to be brought before that court.
- (2) Where the person requests that intimation be sent under subsection (1), the intimation must be sent as soon as reasonably practicable.

44 Right to consultation with solicitor

- (1) A person who is in police custody has the right to have a private consultation with a solicitor at any time.
- (2) In exceptional circumstances, the person's exercise of the right under subsection (1) may be delayed so far as that is necessary in the interests of—
 - (a) the investigation or the prevention of crime, or

Status: This is the original version (as it was originally enacted).

- (b) the apprehension of offenders.
- (3) A decision to delay the person’s exercise of the right under subsection (1) may be taken only by a constable who—
- (a) is of the rank of sergeant or above, and
 - (b) has not been involved in the investigation in connection with which the person is in custody.
- (4) In subsection (1), “consultation” means consultation by such method as may be appropriate in the circumstances and includes (for example) consultation by telephone.