



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART II

POLICE FUNCTIONS

Detention and questioning

13 Powers relating to suspects and potential witnesses.

- (1) Where a constable has reasonable grounds for suspecting that a person has committed or is committing an offence at any place, he may require—
- that person, if the constable finds him at that place or at any place where the constable is entitled to be, to give [^{F1}the information mentioned in subsection (1A) below] and may ask him for an explanation of the circumstances which have given rise to the constable's suspicion;
 - any other person whom the constable finds at that place or at any place where the constable is entitled to be and who the constable believes has information relating to the offence, to give [^{F2}the information mentioned in subsection (1A) below].

[^{F3}(1A) That information is—

- the person's name;
 - the person's address;
 - the person's date of birth;
 - the person's place of birth (in such detail as the constable considers necessary or expedient for the purpose of establishing the person's identity); and
 - the person's nationality.]
- (2) The constable may require the person mentioned in paragraph (a) of subsection (1) above to remain with him while he (either or both)—
- subject to subsection (3) below, verifies any [^{F4}information mentioned in subsection (1A) above] given by the person;
 - notes any explanation proffered by the person.

Status: Point in time view as at 29/06/2021.

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- (3) The constable shall exercise his power under paragraph (a) of subsection (2) above only where it appears to him that such verification can be obtained quickly.
- (4) A constable may use reasonable force to ensure that the person mentioned in paragraph (a) of subsection (1) above remains with him.
- (5) A constable shall inform a person, when making a requirement of that person under—
- (a) paragraph (a) of subsection (1) above, of his suspicion and of the general nature of the offence which he suspects that the person has committed or is committing;
 - (b) paragraph (b) of subsection (1) above, of his suspicion, of the general nature of the offence which he suspects has been or is being committed and that the reason for the requirement is that he believes the person has information relating to the offence;
 - (c) subsection (2) above, why the person is being required to remain with him;
 - (d) either of the said subsections, that failure to comply with the requirement may constitute an offence.
- (6) A person mentioned in—
- (a) paragraph (a) of subsection (1) above who having been required—
 - (i) under that subsection to give [^{F5}the information mentioned in subsection (1A) above]; or
 - (ii) under subsection (2) above to remain with a constable,
 fails, without reasonable excuse, to do so, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale;
 - (b) paragraph (b) of the said subsection (1) who having been required under that subsection to give [^{F6}the information mentioned in subsection (1A) above] fails, without reasonable excuse, to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

^{F7}(7)

Textual Amendments

- F1** Words in s. 13(1)(a)(b) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), ss. 81\(2\), 104; S.S.I. 2006/432, art. 2\(e\)](#)
- F2** Words in s. 13(1)(a)(b) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), ss. 81\(2\), 104; S.S.I. 2006/432, art. 2\(e\)](#)
- F3** S. 13(1A) inserted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), ss. 81\(3\), 104; S.S.I. 2006/432, art. 2\(e\)](#)
- F4** Words in s. 13(2)(a) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), ss. 81\(4\), 104; S.S.I. 2006/432, art. 2\(e\)](#)
- F5** Words in s. 13(6)(a)(i)(b) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), ss. 81\(5\), 104; S.S.I. 2006/432, art. 2\(e\)](#)
- F6** Words in s. 13(6)(a)(i)(b) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), ss. 81\(5\), 104; S.S.I. 2006/432, art. 2\(e\)](#)
- F7** S. 13(7) repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\), s. 117\(2\), sch. 2 para. 2\(a\); S.S.I. 2017/345, art. 3, sch.](#)

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F8 14 Detention and questioning at police station.

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Textual Amendments

F8 Ss. 14-17A repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 27\(a\)](#); S.S.I. 2017/345, art. 3, sch. (with arts. 4, 7)

F8 14A Extension of period of detention under section 14

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Textual Amendments

F8 Ss. 14-17A repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 27\(a\)](#); S.S.I. 2017/345, art. 3, sch. (with arts. 4, 7)

F8 14B Extension under section 14A: procedure

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Textual Amendments

F8 Ss. 14-17A repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 27\(a\)](#); S.S.I. 2017/345, art. 3, sch. (with arts. 4, 7)

F8 15 Right of persons arrested or detained to have intimation sent to another person

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Textual Amendments

F8 Ss. 14-17A repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 27\(a\)](#); S.S.I. 2017/345, art. 3, sch. (with arts. 4, 7)

F8 15A Right of suspects to have access to a solicitor

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Textual Amendments

F8 Ss. 14-17A repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 27\(a\)](#); S.S.I. 2017/345, art. 3, sch. (with arts. 4, 7)

F8 16 Drunken persons: power to take to designated place.

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