
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

The Police Investigations and Review Commissioner
(Application and Modification of the Criminal
Justice (Scotland) Act 2016) Order 2017

Application of the 2016 Act to investigations staff

2.—(1) Where a member of the investigations staff exercises any power or privilege of a constable in relation to an investigation carried out in pursuance of paragraph (b)(i) of section 33A of the 2006 Act, Chapters 1 to 6 of Part 1 and sections 54, 55, 57, 57B, 57C, 63, 64, 65, 66 and 68 of the 2016 Act apply in relation to the exercise as though the power or privilege were exercised by a constable of the Police Service of Scotland, subject to the modifications in paragraph (2) and articles 3 and 4.

(2) For the purposes of subsection (1), the reference in section 64 of the 2016 Act to a person arrested by a constable is to be read as including a person arrested by a member of the investigations staff.