
DRAFT STATUTORY INSTRUMENTS

2017 No.

**The Criminal Justice (Scotland) Act 2016
(Consequential Provisions) Order 2017**

Further modifications of enactments

Criminal Law (Consolidation) (Scotland) Act 1995

16.—(1) Part 3 of the Criminal Law (Consolidation) (Scotland) Act 1995 is modified in accordance with paragraphs (3) to (7).

(2) Those modifications do not apply in relation to a case in which a person is arrested or detained before this article comes into force.

(3) Subsection (3) of section 23P is repealed⁽¹⁾.

(4) Sections 24 to 25A⁽²⁾ are repealed.

(5) In section 26, for subsections (8) to (10) substitute—

“(7A) An officer may use reasonable force in exercising any power conferred by this section, except as regards a requirement under subsection (2).

(7B) Sections 3 and 6(1), (2) and (8) of the Criminal Justice (Scotland) Act 2016 (giving and recording of information) apply in relation to a person detained by an officer under this section in connection with the commission of a relevant offence as they apply in relation to a person arrested by the officer in respect of that offence.

(7C) Sections 31 to 34 and 38 to 44 of that Act (questioning, and intimation and access to others) apply in relation to a person detained under this section in connection with the commission of a relevant offence as they apply in relation to a person in custody following arrest by an officer in respect of that offence.

(7D) A person may not be detained under this section on any grounds if the person has been detained under this section before on the same grounds or on grounds arising out of the same circumstances.”.

(6) Section 26A is repealed.

(7) In section 26B⁽³⁾—

(a) in subsection (1), the definitions of “immigration offence” and “nationality offence” are repealed;

(b) for the definition of “officer” in that subsection, substitute—

““officer” means an officer of Revenue and Customs;”;

(c) in subsection (2), paragraph (b) and the “or” preceding it are repealed.

(1) Section 23P was inserted by the Finance Act 2007, Schedule 23, paragraph 3.

(2) Sections 24A and 24B were inserted by [S.I. 2011/1739](#), Schedule 1, paragraph 6; section 25A was inserted by [S.I. 2011/1739](#), Schedule 1, paragraph 4.

(3) Section 26B was inserted by the Finance Act 2007, Schedule 23, paragraph 7.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 No. 46
