



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART II

#### POLICE FUNCTIONS

##### *Detention and questioning*

#### **[<sup>F1</sup>15A Right of suspects to have access to a solicitor**

- (1) This section applies to a person (“the suspect”) who—
  - (a) is detained under section 14 of this Act,
  - (b) attends voluntarily at a police station or other premises or place for the purpose of being questioned by a constable on suspicion of having committed an offence, or
  - (c) is—
    - (i) arrested (but not charged) in connection with an offence, and
    - (ii) being detained at a police station or other premises or place for the purpose of being questioned by a constable in connection with the offence.
- (2) The suspect has the right to have intimation sent to a solicitor of any or all of the following—
  - (a) the fact of the suspect's—
    - (i) detention,
    - (ii) attendance at the police station or other premises or place, or
    - (iii) arrest,(as the case may be),
  - (b) the police station or other premises or place where the suspect is being detained or is attending, and
  - (c) that the solicitor's professional assistance is required by the suspect.
- (3) The suspect also has the right to have a private consultation with a solicitor—

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*Status: Point in time view as at 30/10/2010. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 15A is up to date with all changes known to be in force on or before 07 July 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)*

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- (a) before any questioning of the suspect by a constable begins, and
  - (b) at any other time during such questioning.
- (4) Subsection (3) is subject to subsections (8) and (9).
- (5) In subsection (3), “consultation” means consultation by such means as may be appropriate in the circumstances, and includes, for example, consultation by means of telephone.
- (6) The suspect must be informed of the rights under subsections (2) and (3)—
- (a) on arrival at the police station or other premises or place, and
  - (b) in the case where the suspect is detained as mentioned in subsection (1)(a), or arrested as mentioned in subsection (1)(c), after such arrival, on detention or arrest (whether or not, in either case, the suspect has previously been informed of the rights by virtue of this subsection).
- (7) Where the suspect wishes to exercise a right to have intimation sent under subsection (2), the intimation must be sent by a constable—
- (a) without delay, or
  - (b) if some delay is necessary in the interest of the investigation or the prevention of crime or the apprehension of offenders, with no more delay than is necessary.
- (8) In exceptional circumstances, a constable may delay the suspect's exercise of the right under subsection (3) so far as it is necessary in the interest of the investigation or the prevention of crime or the apprehension of offenders that the questioning of the suspect by a constable begins or continues without the suspect having had a private consultation with a solicitor.
- (9) Subsection (3) does not apply in relation to the questioning of the suspect by a constable for the purpose of obtaining the information mentioned in section 14(10) of this Act.]

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#### **Textual Amendments**

- F1** S. 15A inserted (30.10.2010) by [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010 \(asp 15\)](#), **ss. 1(4)**, 9 (with s. 4)

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