



Protection from Abuse (Scotland) Act 2001

2001 asp 14

4 Powers and duties of police

- (1) Where a power of arrest attached to an interdict has effect a constable may arrest the interdicted person without warrant if the constable—
 - (a) has reasonable cause for suspecting that person of being in breach of the interdict; and
 - (b) considers that there would, if that person were not arrested, be a risk of abuse or further abuse by that person in breach of the interdict.
- (2) A person who is arrested under subsection (1) must be informed immediately of the reason for the arrest and must thereafter be taken to a police station as quickly as is reasonably practicable and detained until—
 - (a) accused on petition or charged on complaint with an offence in respect of the facts and circumstances giving rise to the arrest; or
 - (b) brought before a court under section 5.
- (3) A person who is detained under subsection (2) is entitled—
 - (a) to be informed immediately of the rights given by paragraphs (b) to (e);
 - (b) to have, on request, intimation of the detention and of the place of detention sent, without delay, to a solicitor and to one other person reasonably named by the detained person;
 - (c) to have, on request, intimation given to a solicitor that the solicitor's professional assistance is required;
 - (d) to have, on request, the solicitor informed, as soon as the information is available, of the court to which the detained person is to be taken and the date when that is to happen; and
 - (e) to have, on request, a private interview with the solicitor before any appearance in court under this Act.
- (4) Where a person detained under subsection (2) appears to the officer in charge of the police station to be under 16 years of age the officer must where practicable, without delay and in addition to complying with subsection (3), send intimation of the detention and of the place of detention to any person known to have parental responsibilities and rights in relation to the detained person or to have care of that

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person; and any person to whom such intimation is given must be permitted reasonable access to the detained person.

- (5) The following matters are to be recorded by the police in connection with the detention of a person under subsection (2)—
- (a) the time at which the person was arrested;
 - (b) the police station to which the person was taken;
 - (c) the time when the person arrived at that police station;
 - (d) the address of any other place to which the person is, during the detention, thereafter taken;
 - (e) the time when the person was informed of the rights given by subsection (3);
 - (f) the time and nature of any request made by the person under subsection (3); and
 - (g) the time and nature of any action taken by a police officer under subsection (3) or (4).
- (6) When a person has been arrested under this section the facts and circumstances giving rise to the arrest must be reported to the procurator fiscal as soon as is practicable.