Changes to legislation: *Police and Fire Reform (Scotland) Act 2012, SCHEDULE 2 is up to date with all changes known to be in force on or before 06 September 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) View outstanding changes*

SCHEDULE 2

(introduced by section 28(3))

POLICE CUSTODY AND SECURITY OFFICERS: POWERS AND DUTIES

1 A police custody and security officer has power—

(a) to transfer persons in legal custody from one set of relevant premises to another,

(b) to have custody of persons held in legal custody on court premises (whether or not such persons would otherwise be in the custody of the court) and to produce them before the court,

[[F1](ba) to have custody of persons held in legal custody in a police station for the purpose of effecting their production, by electronic means from the station, before a court,**]**

(c) to have custody of persons temporarily held in legal custody in relevant premises while in the course of transfer from one set of such premises to another,

(d) to apprehend a person who was in the custody of the officer in relevant premises or in such course of transfer but who is unlawfully at large,

(e) to remove from relevant premises any person—

(i) who the officer has reasonable grounds to believe has committed or is committing an offence, or

(ii) who is causing a disturbance or nuisance,

(f) in any place to search any person who is in legal custody or is unlawfully at large,

(g) to search—

(i) any relevant premises or any other place in which there is a person in the officer's custody who is being transferred from one set of relevant premises to another,

(ii) any person in such premises or other place who the officer has reasonable grounds to believe has committed or is committing an offence or who is seeking access to a person in the officer's custody or to relevant premises,

(h) in relevant premises, or in any other place in which a person in legal custody is or may be, to require any person who the officer has reasonable grounds for suspecting has committed or is committing an offence—

(i) to give the person's name and address, and

(ii) either to remain there with the officer until a constable arrives or, where reasonable in all the circumstances, to go with the officer to the nearest police station,

but only if before imposing any such requirement the officer informs the person concerned of the nature of the suspected offence and of the reason for the requirement,

(i) in fulfilment of the officer's duties under paragraph 2(1)(d), to apprehend any person and to detain that person in custody in the premises of the court in question,

(j) at a constable's direction, to photograph or take relevant physical data from any person held in legal custody, and

(k) to use reasonable force (which may include the use of handcuffs and other means of restraint) where and in so far as it is requisite to do so in exercising any of the other powers,

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and either (but not both) of the sets of premises mentioned in any of paragraphs (a), (c) and (g) may be situated in a part of the British Islands outwith Scotland.

Textual Amendments

F1 Sch. 2 para. 1(ba) inserted (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 40(4)**, 59(1)

Commencement Information

I1 Sch. 2 para. 1 in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

2 (1) It is the duty of a police custody and security officer—

(a) to attend to the well-being of a person in the officer's custody,

(b) to prevent such a person from escaping from custody,

(c) to prevent, or detect and report on, the commission or attempted commission by such a person of any other unlawful act,

(d) to act with a view to preserving good order in the premises of any court and in land connected with such premises,

(e) to ensure good order and discipline on the part of a person in the officer's custody (whether or not in the premises of any court or in land connected with such premises), and

(f) to give effect to any order of a court.

(2) A police custody and security officer provided to the Authority by virtue of section 26(2)(b) does not have the powers and duties mentioned in this schedule in the premises of any court or in land connected with such premises.

(3) In this schedule—

(a) "legal custody" has the meaning given by section 295 of the Criminal Procedure (Scotland) Act 1995 (c.46),

(b) "relevant physical data" has the meaning given by section 18(7A) of that Act, and

(c) "relevant premises" means—

(i) the premises of any court, prison, police station or hospital (within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)), or

(ii) the premises of any other place from or to which a person may be required to be taken under that Act of 1995 or that Act of 2003.

Commencement Information

I2 Sch. 2 para. 2 in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Ch. 12A inserted by 2017 asp 4 s. 1(1)
- s. 17(2)(h) inserted by 2017 asp 4 s. 2(a)(ii)
- s. 17(4)(b)(iv) inserted by 2017 asp 4 s. 2(b)(ii)
- s. 20A inserted by 2017 asp 4 s. 3