



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 15

##### OFFENCES

#### **91**      **Escape from custody**

- (1) It is an offence for a person—
  - (a) to remove a person from custody, or
  - (b) to assist the escape of a person in custody.
- (2) The reference in subsection (1) to a person in custody is to be construed as a reference to a person—
  - (a) who is in the lawful custody of a person (“A”) acting in a capacity mentioned in subsection (3) or a person assisting A while A is acting in such capacity, or
  - (b) who is in the act of eluding or escaping from such custody, whether or not the person has actually been arrested.
- (3) The capacities are—
  - (a) that of a constable,
  - (b) that of a police custody and security officer,
  - (c) that of a member of a relevant police force when such member is executing a warrant or is otherwise acting in Scotland by virtue of any enactment conferring powers on the member in Scotland,
  - (d) that of a person who—
    - (i) is a member of an international joint investigation team that is led by a person acting in a capacity mentioned in paragraph (a) or (c), and
    - (ii) is carrying out functions as a member of that team.

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**Changes to legislation:** Police and Fire Reform (Scotland) Act 2012, Section 91 is up to date with all changes known to be in force on or before 20 May 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

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- (4) A person who is guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a period not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.

**Modifications etc. (not altering text)**

- C1** S. 91 applied (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), **10(1)**

**Commencement Information**

- I1** S. 91 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](#)