

*These notes relate to the Criminal Justice (Scotland) Act 2016  
(asp 1) which received Royal Assent on 13 January 2016*

# CRIMINAL JUSTICE (SCOTLAND) ACT 2016

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## EXPLANATORY NOTES

### OVERVIEW OF THE ACT

#### **Part 1 – Arrest and Custody**

#### *Chapter 5 – Rights of suspects in police custody*

#### **Intimation and access to a solicitor**

#### *Section 43 – Right to have intimation sent to solicitor*

141. **Section 43** affords a person in police custody the right to have a solicitor informed, as soon as reasonably practicable after a request is made by the person in police custody, that the person is being held in police custody, where they are being held and that the professional assistance of a solicitor is required. If the person has been officially accused of an offence (i.e. charged with the offence by the police or where a prosecutor has started proceedings in relation to the offence), the person has the right to have a solicitor informed whether they are to be released from custody or, if not, of the court before which the person is to be brought and the day on which the person will be brought before court.