

# **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 44 – Right to consultation with solicitor***

142. **Section 44** provides for the right of a person in police custody to have a private consultation with a solicitor at any time. For the purposes of this section, a consultation is defined by subsection (4) as a consultation by such means as considered appropriate, for example, by telephone.
143. Under subsection (2) the police can delay the exercise of this right only so far as necessary in the interest of the investigation or prevention of crime, or the apprehension of offenders. Authorisation to delay the right to consultation may only be given by a constable of the rank of sergeant or above who has not been involved in the investigation in connection with which the person is in custody.