



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 2

CUSTODY: PERSON NOT OFFICIALLY ACCUSED

Investigative liberation

18 Modification or removal of conditions

- (1) A constable may by notice modify or remove a condition imposed under section 16(2).
- (2) A notice under subsection (1)—
 - (a) is to be given in writing to the person who is subject to the condition,
 - (b) must specify the time from which the condition is modified or removed.
- (3) A constable of the rank of inspector or above must keep under review whether or not—
 - (a) there are reasonable grounds for suspecting that a person who is subject to a condition imposed under section 16(2) has committed a relevant offence, and
 - (b) the condition imposed remains necessary and proportionate for the purpose of ensuring the proper conduct of the investigation into a relevant offence.
- (4) Where the constable referred to in subsection (3) is no longer satisfied as to the matter mentioned in paragraph (a) of that subsection, a constable must give notice to the person removing any condition imposed in connection with a relevant offence.
- (5) Where the constable referred to in subsection (3) is no longer satisfied as to the matter mentioned in paragraph (b) of that subsection, a constable must give notice to the person—
 - (a) modifying the condition in question, or
 - (b) removing it.
- (6) Where a duty to give notice to a person arises under subsection (4) or (5), the notice—

Status: This is the original version (as it was originally enacted).

- (a) is to be given in writing to the person as soon as practicable, and
 - (b) must specify, as the time from which the condition is modified or removed, the time at which the duty to give the notice arose.
- (7) The modification or removal of a condition under subsection (1), (4) or (5) requires the authority of a constable of the rank of inspector or above.
- (8) In this section, “a relevant offence” means—
- (a) the offence in connection with which the condition was imposed, or
 - (b) an offence arising from the same circumstances as that offence.