



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 4

POLICE INTERVIEW

Rights of suspects

31 Information to be given before interview

- (1) Subsection (2) applies to a person who—
 - (a) is in police custody, or
 - (b) is attending at a police station or other place voluntarily for the purpose of being interviewed by a constable.
- (2) Not more than one hour before a constable interviews the person about an offence which the constable has reasonable grounds to suspect the person of committing, the person must be informed—
 - (a) of the general nature of that offence,
 - (b) that the person is under no obligation to say anything other than to give the information specified in section 34(4),
 - (c) about the right under section 32 to have a solicitor present during the interview, and
 - (d) if the person is in police custody, about any right which the person has under Chapter 5.
- (3) A person need not be informed under subsection (2)(d) about a right to have intimation sent under either of the following sections if the person has exercised the right already—
 - (a) section 38,
 - (b) section 43.

Status: This is the original version (as it was originally enacted).

- (4) For the purpose of subsection (2), a constable is not to be regarded as interviewing a person about an offence merely by asking the person for the information specified in section 34(4).
- (5) Where a person is to be interviewed by virtue of authorisation granted under section 35, before the interview begins the person must be informed of what was specified by the court under subsection (6) of that section.