



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 5

RIGHTS OF SUSPECTS IN POLICE CUSTODY

Intimation and access to a solicitor

44 Right to consultation with solicitor

- (1) A person who is in police custody has the right to have a private consultation with a solicitor at any time.
- (2) In exceptional circumstances, the person's exercise of the right under subsection (1) may be delayed so far as that is necessary in the interests of—
 - (a) the investigation or the prevention of crime, or
 - (b) the apprehension of offenders.
- (3) A decision to delay the person's exercise of the right under subsection (1) may be taken only by a constable who—
 - (a) is of the rank of sergeant or above, and
 - (b) has not been involved in the investigation in connection with which the person is in custody.
- (4) In subsection (1), "consultation" means consultation by such method as may be appropriate in the circumstances and includes (for example) consultation by telephone.