



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 7

GENERAL

Code of practice about investigative functions

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- (1) The Lord Advocate must issue a code of practice on—
 - (a) the questioning, and recording of questioning, of persons suspected of committing offences, and
 - (b) the conduct of identification procedures involving such persons.
- (2) The Lord Advocate—
 - (a) must keep the code of practice issued under subsection (1) under review,
 - (b) may from time to time revise the code of practice.
- (3) The code of practice is to apply to the functions exercisable by or on behalf of—
 - (a) the Police Service of Scotland,
 - (b) such other bodies as are specified in the code (being bodies responsible for reporting offences to the procurator fiscal).
- (4) Before issuing the code of practice, the Lord Advocate must consult publicly on a draft of the code.
- (5) When preparing a draft of the code of practice for public consultation, the Lord Advocate must consult—
 - (a) the Lord Justice General,
 - (b) the Faculty of Advocates,
 - (c) the Law Society of Scotland,

Status: This is the original version (as it was originally enacted).

- (d) the Scottish Police Authority,
 - (e) the chief constable of the Police Service of Scotland,
 - (f) the Scottish Human Rights Commission,
 - (g) the Commissioner for Children and Young People in Scotland, and
 - (h) such other persons as the Lord Advocate considers appropriate.
- (6) The Lord Advocate must lay before the Scottish Parliament a copy of the code of practice issued under this section.
- (7) A court or tribunal in civil or criminal proceedings must take the code of practice into account when determining any question arising in the proceedings to which the code is relevant.
- (8) Breach of the code of practice does not of itself give rise to grounds for any legal claim whatsoever.
- (9) Subsections (3) to (8) apply to a revised code of practice under subsection (2)(b) as they apply to the code of practice issued under subsection (1).