



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 1

#### ARREST AND CUSTODY

#### CHAPTER 7

#### GENERAL

*[<sup>F1</sup>Modifications to Part as it applies in certain cases*

#### **[<sup>F1</sup>57C Modifications applying by virtue of sections 57A and 57B**

- (1) The modifications referred to in sections 57A(1) and 57B(1) are as follows.
- (2) Chapter 3 applies as though for the words “brought before a court in accordance with section 21(2)” (in each place where they occur) there were substituted “brought before a court in accordance with an enactment, rule of law or a term of the warrant under which the person was arrested”.
- (3) Section 23(2) applies as though—
  - (a) paragraph (c) read “the reason that the person is to be brought before the court”, and
  - (b) paragraph (d) were omitted.
- (4) Section 24 applies as though-
  - (a) in subsection (3)(c), for the words “officially accused” there were substituted “informed that the person is to be brought before a court”, and
  - (b) subsection (4)(c) read “the reason that the person is to be brought before the court.”.
- (5) Section 43(1) applies as though for paragraph (d) there were substituted—
  - (d) if there is a requirement to bring the person before a court in accordance with an enactment, rule of law or a term of the warrant under which the person was arrested—
    - (i) whether the person is to be released from custody, and

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**Changes to legislation:** Criminal Justice (Scotland) Act 2016, Section 57C is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (ii) where the person is not to be released, the court before which the person is to be brought in accordance with the requirement and the date on which the person is to be brought before that court.”]

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**Textual Amendments**

- F1** Ss. 57A-57C and cross-heading inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), regs. 1, **2(7)**

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**Modifications etc. (not altering text)**

- C1** [S. 57C](#) applied (with modifications) (25.1.2018) by [The Police Investigations and Review Commissioner \(Application and Modification of the Criminal Justice \(Scotland\) Act 2016\) Order 2017 \(S.S.I. 2017/465\)](#), arts. **14**

**Changes to legislation:**

Criminal Justice (Scotland) Act 2016, Section 57C is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)