
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 159

**The Right to Information (Suspects and
Accused Persons) (Scotland) Regulations 2014**

Right to access documents held by the police

4.—(1) Following a request made by a person held, at any time on or after the coming into force of these Regulations, in police custody, a constable must make available to the person any documents held by a constable or any member of police staff, related to the specific case, which are essential to challenging effectively the lawfulness of the person's detention or arrest as necessary to satisfy the requirements of Article 7(1) of the Directive.

(2) Where documents are made available in accordance with paragraph (1) they must be made available free of charge.

(3) A request made in accordance with paragraph (1) may be refused where—

- (a) the documents have already been made available to the person; or
- (b) the documents will shortly be made available to the person in accordance with the disclosure provisions contained in Part 6 of the Criminal Justice and Licensing (Scotland) Act 2010 ^{M1}.

(4) The chief constable must publish guidance—

- (a) describing the documents which may be requested in accordance with paragraph (1) and how a constable must handle any such request; and
- (b) explaining how a person may seek a review of any failure or refusal by a constable to make such documents available.

Marginal Citations

M1 2010 asp 13.

Changes to legislation:

There are currently no known outstanding effects for the The Right to Information (Suspects and Accused Persons) (Scotland) Regulations 2014, Section 4.