
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 95

**The Right to Interpretation and Translation in
Criminal Proceedings (Scotland) Regulations 2014**

PART 2

Police custody and police questioning

Right to translation of essential documents in police custody

4.—(1) Where a person is in police custody, a constable must take all reasonable steps to determine whether the person requires a translation of all essential documents (if any) because the person does not understand English.

(2) Where the constable determines that the person requires such a translation, the constable must ensure that arrangements are made for the person to be provided with a written translation of all essential documents—

- (a) within a reasonable period of time;
- (b) for the purpose of safeguarding the fairness of the police proceedings in accordance with the Directive.

(3) Despite paragraph (2), the person may be provided with—

- (a) a written translation only of such part or parts of an essential document as are relevant for the purpose mentioned in that paragraph; or
- (b) an oral translation or oral summary of an essential document, instead of a written translation, unless this would prejudice the fairness of the police proceedings.

(4) In this regulation, “essential document” means any document relating to the person being in police custody which—

- (a) authorises the deprivation of the person’s liberty by a constable or charges the person with having committed an offence; and
- (b) is required by any enactment to be provided to the person in writing.