



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART II

POLICE FUNCTIONS

Detention and questioning

[^{F1}14B Extension under section 14A: procedure

- (1) This section applies where a custody review officer is considering whether to authorise the extension under section 14A(2) of this Act in relation to a person who is being detained under section 14 of this Act (“the detained person”).
- (2) Before deciding whether to authorise the extension, the custody review officer must give either of the following persons an opportunity to make representations—
 - (a) the detained person, or
 - (b) any solicitor representing the detained person who is available at the time the officer is considering whether to authorise the extension.
- (3) Representations may be oral or written.
- (4) The custody review officer may refuse to hear oral representations from the detained person if the officer considers that the detained person is unfit to make representations because of the person's condition or behaviour.
- (5) Where the custody review officer decides to authorise the extension, the officer must ensure that the following persons are informed of the decision and of the grounds on which the extension is authorised—
 - (a) the detained person, and
 - (b) any solicitor representing the detained person who is available at the time the decision is made.
- (6) Subsection (7) applies where—
 - (a) the custody review officer decides to authorise the extension, and

Status: Point in time view as at 16/08/2013. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 14B is up to date with all changes known to be in force on or before 11 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)

- (b) at the time of the decision, the detained person has not exercised rights under section 15 or 15A.
- (7) The custody review officer must—
- (a) ensure that the detained person is informed of the person's rights under section 15 or 15A which the person has not yet exercised, and
 - (b) decide whether there are any grounds, under section 15(1) or section 15A(7)(b) or (8) (as the case may be), for delaying the exercise of any of the rights.
- (8) The custody review officer must make a written record of—
- (a) the officer's decision on whether to authorise the extension, and
 - (b) any of the following which apply—
 - (i) the grounds on which the extension is authorised,
 - (ii) the fact that the detained person and a solicitor have been informed as required under subsection (5),
 - (iii) the fact that the detained person has been informed as required under subsection (7)(a),
 - (iv) the officer's decision on the matter referred to in subsection (7)(b) and, if the decision is to delay the exercise of a right, the grounds for the decision.]

Textual Amendments

- F1** Ss. 14A, 14B inserted (30.10.2010) by [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010 \(asp 15\)](#), ss. **3(2)**, 9 (with s. 4)

Modifications etc. (not altering text)

- C1** Ss. 14A, 14B applied (with modifications) by 1994 c. 33, s. 138(2)(2A)(6)-(9) (as substituted (15.7.2011) by [The Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2011 \(S.I. 2011/1739\)](#), art. 1(2), Sch. 2 para. 2(3)(4) (with art. 6(2)))

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