

*These notes relate to the Criminal Justice (Scotland) Act 2016  
(asp 1) which received Royal Assent on 13 January 2016*

# **CRIMINAL JUSTICE (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **OVERVIEW OF THE ACT**

#### **Part 1 – Arrest and Custody**

##### *Chapter 7 – General*

#### **Common law and enactments**

##### *Section 54 – Abolition of pre-enactment powers of arrest*

153. [Section 54](#) provides that the only power of arrest which the police have to bring a person into police custody comes from Section 1 of this Act and Section 41(1) of the Terrorism Act 2000.

##### *Section 55 – Abolition of requirement for constable to charge*

154. [Section 55](#) provides that a constable does not have to charge a suspect with a crime at any time and abolishes any rule of law that requires such a charge to be made.

##### *Section 56 – Consequential modification*

155. [Section 56](#) introduces schedule 2 to the Act which contains details of changes to existing legislation as a consequence of Part 1. Paragraph 313 provides further detail in regard to Schedule 2.