



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 1

#### ARREST AND CUSTODY

#### CHAPTER 2

#### CUSTODY: PERSON NOT OFFICIALLY ACCUSED

##### *Keeping person in custody*

#### **10 12 hour limit: previous period**

- (1) Subsection (2) applies where—
- (a) a person is being held in police custody by virtue of authorisation given under section 7,
  - (b) authorisation has been given under that section to hold the person in police custody on a previous occasion, and
  - (c) the offence in connection with which the authorisation mentioned in paragraph (a) has been given is the same offence or arises from the same circumstances as the offence in connection with which the authorisation mentioned in paragraph (b) was given.
- (2) The 12 hour period mentioned in section 9 is reduced by the length of the period during which the person was held in police custody by virtue of the authorisation mentioned in subsection (1)(b).
- (3) Subsections (5) and (6) of section 15 apply for the purpose of calculating the length of the period during which the person was held in police custody by virtue of the authorisation mentioned in subsection (1)(b).