



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 2

CUSTODY: PERSON NOT OFFICIALLY ACCUSED

Keeping person in custody

13 Custody review

- (1) A custody review must be carried out—
 - (a) when a person has been held in police custody for a continuous period of 6 hours by virtue of authorisation given under section 7, and
 - (b) again, if authorisation to keep the person in police custody is given under section 11, when the person has been held in custody for a continuous period of 6 hours by virtue of that authorisation.
- (2) A custody review entails the consideration by a constable of whether the test in section 14 is met.
- (3) A custody review must be carried out by a constable who—
 - (a) is of the rank of inspector or above, and
 - (b) has not been involved in the investigation in connection with which the person is in police custody.
- (4) If the constable is not satisfied that the test in section 14 is met, the person may continue to be held in police custody only if—
 - (a) a constable charges the person with an offence, or
 - (b) the person is detained under section 28(1A) of the 1995 Act (which allows for detention in connection with a breach of bail conditions).