



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 2

CUSTODY: PERSON NOT OFFICIALLY ACCUSED

Keeping person in custody

14 Test for sections 7, 11 and 13

- (1) For the purposes of sections 7(4), 11(3)(b) and 13(2), the test is that—
- (a) there are reasonable grounds for suspecting that the person has committed an offence, and
 - (b) keeping the person in custody is necessary and proportionate for the purposes of bringing the person before a court or otherwise dealing with the person in accordance with the law.
- (2) Without prejudice to the generality of subsection (1)(b), in considering what is necessary and proportionate for the purpose mentioned in that subsection regard may be had to—
- (a) whether the person's presence is reasonably required to enable the offence to be investigated fully,
 - (b) whether the person (if liberated) would be likely to interfere with witnesses or evidence, or otherwise obstruct the course of justice,
 - (c) the nature and seriousness of the offence.