



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 1

#### ARREST AND CUSTODY

#### CHAPTER 1

#### ARREST BY POLICE

##### *Procedure following arrest*

#### **4 Arrested person to be taken to police station**

- (1) Where a person is arrested by a constable outwith a police station, a constable must take the person as quickly as is reasonably practicable to a police station.
- (2) Subsection (1) ceases to apply, and the person must be released from police custody immediately, if—
  - (a) the person has been arrested without a warrant,
  - (b) the person has not yet arrived at a police station in accordance with this section, and
  - (c) in the opinion of a constable there are no reasonable grounds for suspecting that the person has committed—
    - (i) the offence in respect of which the person was arrested, or
    - (ii) an offence arising from the same circumstances as that offence.
- (3) For the avoidance of doubt, subsection (1) ceases to apply if, before arriving at a police station in accordance with this section, the person is released from custody under—
  - (a) section 25(2), or
  - (b) section 28(3A) of the 1995 Act.