



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 5

RIGHTS OF SUSPECTS IN POLICE CUSTODY

Intimation and access to a solicitor

43 Right to have intimation sent to solicitor

- (1) A person who is in police custody has the right to have intimation sent to a solicitor of any or all of the following—
- (a) the fact that the person is in custody,
 - (b) the place where the person is in custody,
 - (c) that the solicitor's professional assistance is required by the person,
 - (d) if the person has been officially accused of an offence—
 - (i) whether the person is to be released from custody, and
 - (ii) where the person is not to be released, the court before which the person is to be brought in accordance with section 21(2) and the date on which the person is to be brought before that court.
- (2) Where the person requests that intimation be sent under subsection (1), the intimation must be sent as soon as reasonably practicable.

Modifications etc. (not altering text)

- C1** S. 43(1) applied (with modifications) by 1995 c. 46, s. 28A(3) (as inserted (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), **sch. 2 para. 30**; S.S.I. 2017/345, art. 3, sch.)

Commencement Information

- I1** S. 43 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, **sch.** (with art. 4)

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 43 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)