



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1 **S**

ARREST AND CUSTODY

CHAPTER 2 **S**

CUSTODY: PERSON NOT OFFICIALLY ACCUSED

Keeping person in custody

9 12 hour limit: general rule **S**

(1) Subsection (2) applies when—

- (a) a person has been held in police custody for a continuous period of 12 hours, beginning with the time at which authorisation was given under section 7, and
- (b) during that period the person has not been charged with an offence by a constable.

(2) The person may continue to be held in police custody only if—

- (a) a constable charges the person with an offence,
- (b) authorisation to keep the person in custody has been given under section 11, or
- (c) the person is detained under section 28(1A) of the 1995 Act (which allows for detention in connection with a breach of bail conditions).

Commencement Information

II S. 9 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 9 is up to date with all changes known to be in force on or before 04 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\(a\)](#)