



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 7

GENERAL

[^{F1}Modifications to Part as it applies in certain cases]

[^{F1}57D Arrest under an extradition arrest power

- (1) In a case where a person is arrested under an extradition arrest power (within the meaning of section 174(2) of the Extradition Act 2003), this Part applies subject to the following further modifications.
- (2) The following do not apply—
 - (a) sections 3 and 4,
 - (b) sections 25 to 30,
 - (c) section 50.
- (3) In section 5—
 - (a) subsection (1)(b) is to be read as if the words “in accordance with section 4” were omitted,
 - (b) subsection (2)(a) is to be read as if the words “other than to give the information specified in section 34(4)” were omitted, and
 - (c) subsection (3) is to be read as if the words “of Articles 3 and 4” were omitted.
- (4) Section 6 is to be read as if—
 - (a) in subsection (1)(c) the words “in accordance with section 4” were omitted,
 - (b) subsection (1)(d) were omitted,
 - (c) subsection (2)(a) were omitted,
 - (d) subsection (2)(c) were omitted, and

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- (e) subsections (3) to (8) were omitted.
- (6) Section 23 is to be read as if—
 - (a) subsection (1)(b) were omitted,
 - (b) subsection (2)(d) were omitted.
- (7) Section 24 is to be read as if subsection (1)(b) were omitted.
- (8) Section 48 is to be read as if—
 - (a) for subsection (2) there were substituted—
 - “(2) This subsection applies to a person who is in police custody having been arrested under an extradition arrest power (within the meaning of section 174(2) of the Extradition Act 2003).”, and
 - (b) for subsection (3) there were substituted—
 - “(3) In subsection (1), “the relevant offence” means the offence that would have been committed were the act constituting the relevant offence (within the meaning of section 164(3) of the Extradition Act 2003) done in Scotland.”]

Textual Amendments

- F1** S. 57D inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), **Sch. 5 para. 2**

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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\(a\)](#)