

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 2

DETENTION

Rights: Scotland

- 37 (1) A detainee who is detained at a place in Scotland is entitled to have intimation of the detention and of the place sent without delay to a solicitor and to another person named by the detainee.
- (2) The person named must be—
- (a) a friend of the detainee,
 - (b) a relative, or
 - (c) a person who is known to the detainee or who is likely to take an interest in the detainee's welfare.
- (3) A detainee who is transferred from one place to another is entitled to exercise the right under sub-paragraph (1) in respect of the place to which the detainee is transferred.
- (4) A police officer not below the rank of superintendent may authorise a delay in making intimation where, in the officer's view, the delay is necessary on one of the grounds mentioned in paragraph 39(4) or where paragraph 39(5) applies.
- (5) Where a detainee requests that the intimation be made, the time when the request—
- (a) is made, and
 - (b) is complied with,
- must be recorded.
- (6) A person detained as mentioned in sub-paragraph (1) is entitled to consult a solicitor at any time, without delay.
- (7) A police officer not below the rank of superintendent may authorise a delay in holding the consultation where, in the officer's view, the delay is necessary on one of the grounds mentioned in paragraph 39(4) or where paragraph 39(5) applies.
- (8) The consultation must be held in private.
- (9) A detainee must be informed of the rights under sub-paragraphs (1) and (6) on first being detained.