
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 345

**The Criminal Justice (Scotland) Act 2016 (Commencement
No. 5, Transitional and Saving Provisions) Order 2017**

Post-charge questioning- transitional provision

8.—(1) Despite the coming into force of sections 35 to 37 of the 2016 Act in accordance with article 3, the court may not authorise questioning under section 35(1) of a person in respect of an offence where paragraph (2) or (3) applies.

(2) This paragraph applies where the person was officially accused of the offence before the appointed day.

(3) This paragraph applies where—

- (a) the person was arrested or detained in respect of the offence before the appointed day and remained in police custody at the beginning of the appointed day following that arrest or detention; and
- (b) the application for authorisation is made by a constable.