



# Criminal Procedure (Scotland) Act 1975

## 1975 CHAPTER 21

### PROCEDURE PRIOR TO TRIAL

#### *Arrest, Judicial Examination, Custody, Bail, Etc.*

#### **18 Power of constable to take offenders into custody.**

- (1) Without prejudice to any other powers of arrest, any constable may take into custody, without warrant—
  - (a) any person who within his view commits any of the offences mentioned in Schedule 1 to this Act, if the constable does not know and cannot ascertain his name and address;
  - (b) any person who has committed, or whom he has reason to believe to have committed, any of the offences mentioned in Schedule 1 to this Act, if the constable does not know and cannot ascertain his name and address or has reasonable ground for believing that he will abscond.
- [<sup>F1</sup>(2) Where a person has been arrested under this section, the officer in charge of a police station may—
  - (a) liberate him upon a written undertaking, signed by him and certified by the said officer, in terms of which that person undertakes to appear at a specified court at a specified time; or
  - (b) liberate him without any such undertaking; or
  - (c) refuse to liberate him; and such refusal and the detention of that person until his case is tried in the usual form shall not subject the officer to any claim whatsoever.
- (3) A person in breach of an undertaking given by him under subsection (2)(a) above without reasonable excuse shall be guilty of an offence and liable to the following penalties—
  - (a) a fine not exceeding £200; and
  - (b) imprisonment for a period not exceeding 3 months.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 18 is up to date with all changes known to be in force on or before 19 June 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. (See end of Document for details)*

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- (4) The penalties provided for in subsection (3) above may be imposed in addition to any other penalty which it is competent for the court to impose, notwithstanding that the total of penalties imposed may exceed the maximum penalty which it is competent to impose in respect of the original offence.
- (5) In any proceedings relating to an offence under this section, a writing, purporting to be such an undertaking as is mentioned in subsection (2)(a) above and bearing to be signed and certified, shall be sufficient evidence of the terms of the undertaking given by the arrested person.]

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**Textual Amendments**

**F1** S. 18(2)–(5) substituted for s. 18(2) by [Bail etc. \(Scotland\) Act 1980 \(c. 4, SIF 39:1\)](#), s. 7(1)

**Status:**

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