



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART III

DETENTION BY CUSTOMS OFFICERS

24 Detention and questioning by customs officers.

- (1) Where an officer has reasonable grounds for suspecting that a person has committed or is committing an offence punishable by imprisonment relating to an assigned matter, the officer may, for the purpose of facilitating the carrying out of investigations—
 - (a) into the offence; and
 - (b) as to whether criminal proceedings should be instigated against the person,detain that person and take him as quickly as is reasonably practicable to a customs office or other premises and may thereafter for that purpose take him to any other place and, subject to the following provisions of this section, the detention may continue at the customs office or, as the case may be, the other premises or place.
- (2) Detention under subsection (1) above shall be terminated not more than six hours after it begins or (if earlier)—
 - (a) when the person is arrested;
 - (b) when he is detained in pursuance of any other enactment or subordinate instrument; or
 - (c) where there are no longer such grounds as are mentioned in the said subsection (1),and when a person has been detained under subsection (1) above, he shall be informed immediately upon the termination of his detention in accordance with this subsection that his detention has been terminated.
- (3) Where a person has been detained under subsection (1) above, he shall not thereafter be detained under that subsection on the same grounds or on any grounds arising out of the same circumstances.

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: Criminal Law (Consolidation) (Scotland) Act 1995, Section 24 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details)

- (4) Where a person has previously been detained in pursuance of any other enactment or subordinate instrument, he may not be detained under subsection (1) above on the same grounds or on grounds arising from the same circumstances as those which led to his earlier detention.
- (5) At the time when an officer detains a person under subsection (1) above, he shall inform the person of his suspicion, of the general nature of the offence which he suspects has been or is being committed and of the reason for the detention; and there shall be recorded—
- (a) the place where detention begins and the customs office or other premises to which the person is taken;
 - (b) any other place to which the person is, during the detention, thereafter taken;
 - (c) the general nature of the suspected offence;
 - (d) the time when detention under subsection (1) above begins and the time of the person's arrival at the customs office or other premises;
 - (e) the time when the person is informed of his rights in terms of subsection (8) below and of section 25(1) of this Act and the identity of the officer so informing him;
 - (f) where the person requests such intimation to be sent as is specified in the said section 25(1), the time when such request is—
 - (i) made;
 - (ii) complied with; and
 - (g) the time of the person's release from detention or, where instead of being released he is—
 - (i) further detained under section 26 of this Act, the time of commencement of the further detention; or
 - (ii) arrested in respect of the alleged offence, the time of such arrest.
- (6) Where a person is detained under subsection (1) above, an officer may—
- (a) without prejudice to any existing rule of law as regards the admissibility in evidence of an answer given, put questions to him in relation to the suspected offence;
 - (b) exercise the same powers of search as are available following an arrest.
- (7) An officer may use reasonable force in exercising any power conferred by subsection (1) or (6)(b) above.
- (8) A person detained under subsection (1) above shall be under no obligation to answer any question other than to give his name and address, and an officer shall so inform him both on so detaining him and on arrival at the customs office or other premises.
- (9) In this section and in sections 25 and 26 of this Act “assigned matter” and “officer” have the meanings given to them by section 1 of the ^{M1}Customs and Excise Management Act 1979, and “customs office” means a place for the time being occupied by Her Majesty's Customs and Excise.

Marginal Citations

M1 1979 c.2.

Status:

Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation:

Criminal Law (Consolidation) (Scotland) Act 1995, Section 24 is up to date with all changes known to be in force on or before 09 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.