



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART III

[^{F1}INVESTIGATION OF REVENUE AND CUSTOMS OFFENCES]

[^{F1}Detention and questioning of suspects and witnesses]

^{X124} [^{F1}Detention and questioning] [^{F2}: Revenue and Customs, immigration and nationality offences]

[^{F3}(A1) The powers conferred by subsection (1) are exercisable—

- (a) by an officer of Revenue and Customs where the officer has reasonable grounds for suspecting that a person has committed or is committing a Revenue and Customs offence punishable by imprisonment, or
- (b) by an immigration officer where the officer has reasonable grounds for suspecting that a person has committed or is committing an immigration offence or nationality offence punishable by imprisonment.

(1) 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 [^{F4}an office of Revenue and Customs][^{F5}(in a case falling within subsection (A1)(a)) or police station (in a case falling within subsection (A1)(b))] or other premises [^{F6}(in either of those cases)] 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 [^{F7}office of Revenue and Customs][^{F8} or police station, or] the other premises or place [^{F9}(as the case may be)] .

(2) [^{F10}Subject to section 24A, detention] under subsection (1) above shall be terminated not more than [^{F11}12 hours] after it begins or (if earlier)—

Status: Point in time view as at 25/06/2013. This version of this provision has been superseded.

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- (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.

- (4) Where a person has previously been detained in pursuance of any other enactment or subordinate instrument, [F12 and is] 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 [F13, the period of [F14 12 hours] mentioned in subsection (2) above shall be reduced by the length of that 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 [F15 office of Revenue and Customs] [F16 (in a case falling within subsection (A1)(a)) or police station (in a case falling within subsection (A1)(b))] or other premises [F17 (in either of those cases)] 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) [F18 or (1A)] above begins and the time of the person's arrival at the [F15 office of Revenue and Customs] [F19 (in a case falling within subsection (A1)(a)) or police station (in a case falling within subsection (A1)(b))] or other premises [F20 (in either of those cases)] ;
- (e) the time when the person is informed of his rights in terms of subsection (8) below and of [F21 sections 25(1) and 25A(2) and (3)] 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) [F22 or 25A(2)] , 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.

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(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 [^{F23}the information mentioned in subsection (8A) below], and an officer shall so inform him both on so detaining him and on arrival at the [^{F24}office of Revenue and Customs] or other premises.

[^{F25}(8A) That information is—

- (a) the person's name;
- (b) the person's address;
- (c) the person's date of birth;
- (d) the person's place of birth (in such detail as the officer considers necessary or expedient for the purpose of establishing that person's identify); and
- (e) the person's nationality.]

(9) ^{F26}

Editorial Information

- X1** The insertion of the new heading "Detention and questioning of suspects and witnesses" in Pt. III on 1.12.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

- F1** S. 24: heading substituted (1.12.2007) by virtue of [Finance Act 2007 \(c. 11\)](#), s. 85, [Sch. 23 paras. 4\(f\), 14](#); [S.I. 2007/3166](#), [art. 3](#)
- F2** Words in s. 24 substituted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 45\(2\)](#) (with [Sch. 21 paras. 40, 49\(1\)](#)); [S.I. 2013/1042](#), art. 4(l)
- F3** Words in s. 24(1) substituted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(10\)\(a\)](#), 61(2) (with [Sch. 21 paras. 40, 49\(1\)](#)); [S.I. 2013/1042](#), art. 4(g)
- F4** Words in s. 24(1) substituted (1.12.2007) by [Finance Act 2007 \(c. 11\)](#), s. 85, [Sch. 23 paras. 4\(a\)\(ii\), 14](#); [S.I. 2007/3166](#), [art. 3](#)
- F5** Words in s. 24(1) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(10\)\(b\)\(i\)](#), 61(2) (with [Sch. 21 paras. 40, 49\(1\)](#)); [S.I. 2013/1042](#), art. 4(g)
- F6** Words in s. 24(1) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(10\)\(b\)\(ii\)](#), 61(2) (with [Sch. 21 paras. 40, 49\(1\)](#)); [S.I. 2013/1042](#), art. 4(g)
- F7** Words in s. 24(1) substituted (1.12.2007) by [Finance Act 2007 \(c. 11\)](#), s. 85, [Sch. 23 paras. 4\(a\)\(iii\), 14](#); [S.I. 2007/3166](#), [art. 3](#)
- F8** Words in s. 24(1) substituted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(10\)\(b\)\(iii\)](#), 61(2) (with [Sch. 21 paras. 40, 49\(1\)](#)); [S.I. 2013/1042](#), art. 4(g)
- F9** Words in s. 24(1) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(10\)\(b\)\(iv\)](#), 61(2) (with [Sch. 21 paras. 40, 49\(1\)](#)); [S.I. 2013/1042](#), art. 4(g)
- F10** Words in s. 24(2) substituted (15.7.2011) by [The Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2011 \(S.I. 2011/1739\)](#), art. 1(2), [Sch. 1 para. 5\(2\)\(a\)](#) (with art. 2(4))
- F11** Words in s. 24(2) substituted (15.7.2011) by [The Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2011 \(S.I. 2011/1739\)](#), art. 1(2), [Sch. 1 para. 5\(2\)\(b\)](#) (with art. 2(4))
- F12** Words in s. 24(4) substituted (30.9.1998) by 1998 c. 37, s. 110(a); [S.I. 1998/2327](#), [art. 2\(x\)](#)
- F13** Words in s. 24(4) inserted (30.9.1998) by 1998 c. 37, s. 110(b); [S.I. 1998/2327](#), [art. 2\(x\)](#)

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- F14** Words in s. 24(4) substituted (15.7.2011) by The Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (Consequential Provisions) Order 2011 (S.I. 2011/1739), art. 1(2), **Sch. 1 para. 5(3)** (with art. 2(4))
- F15** Words in s. 24(5) substituted (1.12.2007) by Finance Act 2007 (c. 11), s. 85, **Sch. 23 paras. 4(b), 14; S.I. 2007/3166, art. 3**
- F16** Words in s. 24(5)(a) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 45(3)(a)(i)** (with Sch. 21 paras. 40, 49(1)); S.I. 2013/1042, art. 4(l)
- F17** Words in s. 24(5)(a) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 45(3)(a)(ii)** (with Sch. 21 paras. 40, 49(1)); S.I. 2013/1042, art. 4(l)
- F18** Words in s. 24(5)(d) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 45(3)(b)(i)** (with Sch. 21 paras. 40, 49(1)); S.I. 2013/1042, art. 4(l)
- F19** Words in s. 24(5)(d) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 45(3)(b)(ii)** (with Sch. 21 paras. 40, 49(1)); S.I. 2013/1042, art. 4(l)
- F20** Words in s. 24(5)(d) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 21 para. 45(3)(b)(iii)** (with Sch. 21 paras. 40, 49(1)); S.I. 2013/1042, art. 4(l)
- F21** Words in s. 24(5)(e) substituted (15.7.2011) by The Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (Consequential Provisions) Order 2011 (S.I. 2011/1739), art. 1(2), **Sch. 1 para. 2(a)** (with art. 2(2)(4))
- F22** Words in s. 24(5)(f) inserted (15.7.2011) by The Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (Consequential Provisions) Order 2011 (S.I. 2011/1739), art. 1(2), **Sch. 1 para. 2(b)** (with art. 2(2)(4))
- F23** Words in s. 24(8) substituted (1.12.2007) by Finance Act 2007 (c. 11), s. 85, **Sch. 23 paras. 4(c)(i), 14; S.I. 2007/3166, art. 3**
- F24** Words in s. 24(8) substituted (1.12.2007) by Finance Act 2007 (c. 11), s. 85, **Sch. 23 paras. 4(c)(ii), 14; S.I. 2007/3166, art. 3**
- F25** S. 24(8A) inserted (1.12.2007) by Finance Act 2007 (c. 11), s. 85, **Sch. 23 paras. 4(d), 14; S.I. 2007/3166, art. 3**
- F26** S. 24(9) repealed (1.12.2007) by Finance Act 2007 (c. 11), ss. 85, 114, Sch. 23 paras. 4(e), 14, {Sch. 27 Pt. 5(2) Note}; S.I. 2007/3166, **art. 3**

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