



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 2

POST-CHARGE QUESTIONING OF TERRORIST SUSPECTS

23 Post-charge questioning: Scotland

- (1) The following provisions apply in Scotland.
- (2) On the application of the prosecutor, a sheriff may authorise the questioning of a person about an offence—
 - (a) after the person has been charged with the offence, or
 - (b) after the person has appeared on petition in respect of the offence,if the offence is a terrorism offence or it appears to the sheriff that the offence has a terrorist connection.
- (3) The sheriff—
 - (a) must specify the period during which questioning is authorised, and
 - (b) may impose such conditions as appear to be necessary in the interests of justice, which may include conditions as to the place where the questioning is to be carried out.
- (4) The period during which questioning is authorised—
 - (a) begins when questioning pursuant to the authorisation begins and runs continuously from that time (whether or not questioning continues), and
 - (b) must not exceed 48 hours.

This is without prejudice to any application for a further authorisation under this section.

- (5) Where the person is in prison or otherwise lawfully detained, the sheriff may authorise the person's removal to another place and detention there for the purpose of being questioned.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 23. (See end of Document for details)

- (6) A sheriff must not authorise the questioning of a person under this section unless satisfied—
- (a) that further questioning of the person is necessary in the interests of justice,
 - (b) that the investigation for the purposes of which the further questioning is proposed is being conducted diligently and expeditiously, and
 - (c) that what is authorised will not interfere unduly with the preparation of the person's defence to the charge in question or any other criminal charge.
- (7) Evidence of any statement obtained from a person as a result of questioning under this section is not inadmissible solely because the questioning occurred after the person had been charged (or had appeared on petition).
- (8) In this section “charged” means charged by the police.

Commencement Information

II S. 23 in force at 10.7.2012 by [S.I. 2012/1724](#), [art. 2\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 23.