
STATUTORY INSTRUMENTS

2011 No. 1739

**The Criminal Procedure (Legal Assistance,
Detention and Appeals) (Scotland) Act 2010
(Consequential Provisions) Order 2011**

Amendment of provisions relating to the investigation of Revenue and Customs offences in Scotland

2.—(1) Schedule 1 amends Part 3 of the Criminal Law (Consolidation) (Scotland) Act 1995⁽¹⁾ to give suspects the right to have access to a solicitor, to increase the maximum period of detention under section 24 and to provide for the extension of that period of detention in certain circumstances.

(2) The amendments made by paragraph 2 of Schedule 1 do not affect section 24(5) of that Act⁽²⁾ (detention and questioning at office of Revenue and Customs) as it applies by virtue of section 26(8) in respect of a person detained under section 26 (detention in connection with certain drug smuggling offences).

(3) The amendment made by paragraph 3 of Schedule 1 does not affect subsection 25(1) of that Act⁽³⁾ as it applies by virtue of section 26(9) in respect of a person detained under section 26.

(4) The amendments made by Schedule 1 do not affect the operation of Part 3 of that Act (as it has effect immediately before the time at which this Order comes into force) in relation to—

- (a) a person who is detained under section 24 of that Act, where the period of detention began before that time;
- (b) a person who attends as mentioned in section 25A(1)(b) of that Act, where the period of attendance began before that time;
- (c) a person who is arrested and detained as mentioned in section 25A(1)(c) of that Act, where the arrest occurred before that time.

⁽¹⁾ 1995 c. 39 (“the 1995 Consolidation Act”).

⁽²⁾ Subsection 24(5) of the 1995 Consolidation Act was amended by the Finance Act 2007 (c. 11), Schedule 23, paragraph 4(b).

⁽³⁾ Subsection 25(1) of the 1995 Consolidation Act was amended by the Finance Act 2007 (c. 11), Schedule 23, paragraph 5.