



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 16

INDEPENDENT CUSTODY VISITING

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- (1) The Authority must make arrangements to ensure that independent custody visitors may—
 - (a) visit detainees,
 - (b) access information relevant to the treatment of detainees and the conditions in which they are detained, and
 - (c) monitor the treatment of detainees and the conditions in which they are detained.
- (2) The arrangements must—
 - (a) provide for the appointment as independent custody visitors of suitable persons who are independent of both the Authority and the Police Service,
 - (b) authorise independent custody visitors to do anything which the Authority considers necessary to enable them to visit detainees and monitor the treatment of detainees and the conditions in which they are detained, and
 - (c) provide for reporting on each visit.
- (3) The arrangements may, in particular, authorise independent custody visitors to—
 - (a) access, without prior notice, any place in which a detainee is held,
 - (b) examine records relating to the detention of persons there,
 - (c) meet any detainees there (in private) to discuss their treatment while detained and the conditions in which they are detained,

Status: This is the original version (as it was originally enacted).

- (d) inspect the conditions in which persons are detained there (including cell accommodation, washing and toilet facilities and facilities for the provision of food), and
 - (e) meet such other persons that the visitors think may have information relevant to the treatment of detainees and the conditions in which they are detained.
- (4) The arrangements may allow access to a detainee to be refused only where—
- (a) the Scottish Ministers have determined grounds on which access to detainees (or to a category of detainee) can be so refused,
 - (b) it appears to a constable of the rank of inspector (or above) that such a ground is satisfied in relation to the detainee, and
 - (c) any other procedural requirements the Authority considers necessary have been met.
- (5) The Authority must—
- (a) keep the arrangements under review and revise them as it thinks fit,
 - (b) prepare and publish such reports on independent custody visiting as the Scottish Ministers may reasonably require.
- (6) The Authority and members of its staff, the Police Service and police staff and independent custody visitors must have regard to any guidance issued by the Scottish Ministers about independent custody visiting.
- (7) Before issuing guidance, or making a determination for the purposes of subsection (4) (a), the Scottish Ministers must consult—
- (a) the Authority,
 - (b) the chief constable,
 - (c) independent custody visitors or such persons as appear to them to be representative of independent custody visitors, and
 - (d) such other persons as they consider appropriate.
- (8) The Scottish Ministers must lay a copy of guidance issued or any determination made before the Scottish Parliament.