



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 16

INDEPENDENT CUSTODY VISITING

95 SPT visits

- (1) The Authority must make arrangements to ensure that members of the SPT 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 authorise members of the SPT 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.
- (3) The arrangements may, in particular, authorise members of the SPT to—
 - (a) access, without prior notice, any place in which a detainee is held (accompanied by such experts as the SPT members think fit),
 - (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,
 - (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

Status: This is the original version (as it was originally enacted).

- (e) meet such other persons as the SPT members 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—
- (a) where there are urgent and compelling grounds of public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit, and
 - (b) the Scottish Ministers have notified the Authority that such grounds exist and that access should accordingly be refused.
- (5) The Authority must keep the arrangements under review and revise them as it thinks fit.
- (6) The Authority and members of its staff and the Police Service and police staff must have regard to any guidance issued by the Scottish Ministers about SPT visits.