



Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

PART 3

PUBLIC SERVICE REFORM

Custody at police stations

40 Custody officers' functions

- (1) The Criminal Justice and Public Order Act 1994 is modified by [subsection \(2\)](#).
- (2) In—
 - (a) section 102(2) (arrangements for the provision of prisoner escorts), after paragraph (b) insert—
 - “(ba) the custody of prisoners held in a police station and their production, by electronic means from the station, before a court;”
 - (b) section 104(4) (powers and duties of prisoner custody officers performing escort functions), for “on any premises” to “he” substitute “—
 - “(a) on any premises in which a court of summary jurisdiction is sitting; or
 - (b) in a police station and has the custody of a prisoner who is, from the station, before a court of summary jurisdiction by electronic means,the officer”.
- (3) The Police and Fire Reform (Scotland) Act 2012 is modified by [subsection \(4\)](#).
- (4) In schedule 2 (police custody and security officers: powers and duties), after paragraph 1(b) insert—
 - “(ba) to have custody of persons held in legal custody in a police station for the purpose of effecting their production, by electronic means from the station, before a court.”

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Recovery and Reform) (Scotland) Act 2022, Section 40. (See end of Document for details)

- (5) The Criminal Justice (Scotland) Act 2016 is modified by [subsection \(6\)](#).
- (6) In section 64 (meaning of police custody), after subsection (2) insert—
- “(3) A person who is at a police station in the custody of a prisoner custody officer is not to be regarded as having been transferred into the custody of that officer for the purposes of subsection (2)(cb).
- (4) In [subsection \(3\)](#), “prisoner custody officer” has the meaning given in section 114(1) of the Criminal Justice and Public Order Act 1994.”.
- (7) The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 is modified by [subsection \(8\)](#).
- (8) In section 2(5)(b) (mandatory inquiries), after “2016” insert “, or otherwise in custody at a police station”.

Commencement Information

II [S. 40](#) in force at 1.10.2022, see [s. 59\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Coronavirus (Recovery and Reform) (Scotland) Act 2022, Section 40.