
STATUTORY INSTRUMENTS

2018 No. 46

**The Criminal Justice (Scotland) Act 2016
(Consequential Provisions) Order 2018**

Codes of practice under the 2016 Act

Code of practice about investigative functions

10.—(1) A code of practice issued by the Lord Advocate under section 57 of the 2016 Act may deal with matters which, by virtue of section 29(2)(b) or (c) of the Scotland Act 1998, it is outside the legislative competence of the Scottish Parliament to make provision about.

(2) Without prejudice to the generality of paragraph (1), the Lord Advocate may, in exercise of the function conferred by section 57(3)(b) of the 2016 Act, specify a body in a code notwithstanding that it is outside the legislative competence of the Scottish Parliament to make provision about that body or functions which are exercisable by it or on its behalf.

(3) Nothing in this article permits a code to deal with matters other than—

- (a) the questioning, and recording of questioning, of persons suspected of committing offences; and
- (b) the conduct of identification procedures involving such persons.

(4) In section 57(5) of the 2016 Act—

- (a) the word “and” at the end of paragraph (g) is repealed; and
- (b) after that paragraph insert—

“(ga) any body which the Lord Advocate intends to specify in the code under subsection (3)(b) and (where relevant) the Secretary of State, and”.