

Letter of Rights for persons detained under the Terrorism Act 2000

October 2023

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This leaflet gives you important information about your rights under the law in Scotland when you are in custody at the police station. This document tells you about your main rights on detention. It is not legal advice and it does not tell you about all of your rights. You should seek your own independent legal advice.

Please read this information as soon as possible. It will help you to make decisions while you are at the police station. Please ask the police to explain anything you do not understand in this leaflet, if you want an easy-read copy or a translation.

Remember your rights:

- You have the right to know why the police are holding you in custody.
- You have the right to have a solicitor told that you are at the police station. This is free.
- You have the right to have someone else who may be interested in your welfare told you are at the police. For example, this may be a family member, carer or a friend.
- You have the right to remain silent. You do not have to answer any questions the police ask you. BUT you do have to give your name, address, date of birth, where you were born and your nationality.
- You have the right to speak to a solicitor without delay in private before the police ask you questions. You can also speak to a solicitor at any time when the police are asking you questions.
- If you are under 16, or under 18 and subject to a compulsory supervision order, you also have the right to be visited by your parent or guardian at the police station.
- You have the right to urgent medical assistance.
- You have the right to complain about the way you have been treated by the police.

Your rights

Please note: In exceptional circumstances, the police have the right to delay or withhold your access to some of these rights. For example, if the police think they need to speak to you to stop another person being hurt. **This does not include your right to silence.**

1. Information for people held in police custody

- **Knowing about why you have been arrested and detained**

The police must provide you with information so that you are able to understand why you have been arrested and are suspected of being involved in the commission, preparation or instigation of terrorism.

At the police station, the police must tell you why they believe you need to be detained. Before you are asked any questions about your suspected involvement in terrorism, the police must give you or your solicitor enough information about what they think you have done so you can defend yourself but without harming the police investigation.

- **Right to Silence**

You do not have to answer any questions the police ask you about what they think you have done.

Anything you do say will be written down or recorded and could be used as evidence at trial, if your case is taken to court.

You do have to tell the police your name and address, date of birth, place of birth and nationality when they ask you for these details.

- **Telling a Solicitor you are at the police station**

You can ask the police to tell a solicitor that you are at the police station. This can be your own solicitor or, if you don't know a solicitor, the on-call solicitor. The police will arrange for a solicitor to be contacted as soon as possible. This is free of charge.

- **Telling someone else who may be interested in your welfare that you are at the police station.**

You can ask the police to contact someone else to inform them that you are at the police station. They could be someone in your family, your partner, your carer, your friend or another person you know. They will contact someone for you as soon as they can.

If you are under 16 (or under 18 and subject to a compulsory supervision order)

- The police must try to inform your parent or guardian that you are at the police station.
- Your parent or guardian can come and support you at the police station.

- **Getting an interpreter to help you**

If you do not speak or understand English, the police will arrange for someone who speaks your language (an interpreter) to help you. This is free. It is important that you can understand what is being said at the police station.

If you are deaf or have trouble communicating clearly, the police will arrange for someone to help you. This could be a British Sign Language interpreter or another appropriate professional. This is free.

- **If you are not British**

If you are not British, you can ask the police to contact your High Commission, Embassy or Consulate, to tell them where you are and why you are in the police station. They can also visit you in private and arrange for a solicitor to see you.

- **What happens if you are charged?**

If you are charged with an offence, you may be released from custody or you can be kept in the police station and taken to court on the next working day. Or you may be released if you agree to go to court on a fixed date.

- **Access to documents**

A note of evidence in the case will be given to you or your solicitor if your case goes to court. This will allow you or your solicitor to prepare your defence.

You have the right to a translation of the relevant information if you do not understand English.

- **Access to medical assistance**

The police will ask you questions about your health and wellbeing. It is important to inform the police if you have a medical condition or are on medication. It is also important to tell the police if you have any drug or alcohol addiction or if you are thinking of harming yourself.

The police may ask a medical practitioner to examine you. This is to help make sure you are looked after properly while in custody. If you feel you need to see a medical practitioner then tell the police.

Should you fall ill, you have the right to medical assistance.

- **Food and Drink**

Water will be provided to you on request. You will be offered food if you are in custody for more than a four hour period. If you have any dietary or religious requirements then tell the police as early as possible.

- **Making a complaint**

If you want to complain when you are in custody, speak to an Inspector or someone of a higher rank. If you want to complain after you have been released, you can go to any police station or call 101. You can also ask someone else to make a complaint on your behalf, as long as you have provided them with your written consent. It can be a parent, friend, partner or someone you trust.

If you have been hurt or injured by a police officer during your arrest or in police custody you should complain to the Police Scotland Professional Standards Department.

If you need extra support (please note, this is information about a service only and is not a right):

You may need help understanding what is happening when you are at the police station. This help can be provided by a support person called an Appropriate Adult. This may apply to you if you have a mental disorder or learning disability. Speak to the police if you think you need this support.

If the police think that you need the support of an Appropriate Adult, they will ask for one to attend, even if you do not ask for one.

2. Information for people who are going to be questioned by the police

• Getting a Solicitor to help you

Tell the police if you want to speak to a solicitor. The police will contact a solicitor for you as soon as possible.

A solicitor's role is to protect your rights and give you advice about the law.

You can choose to speak to a solicitor you know or the on-call solicitor. This solicitor is independent and does not work for the police.

The solicitor will tell you whether they can advise you for free or if you will have to pay for advice. If you have to pay, they will explain how much it will cost and how you can pay for it. The police will not pay for your solicitor or talk about how your solicitor gets paid.

You are allowed to have a private conversation with a solicitor before the police ask you questions unless questions need to be asked of you as a matter of urgency, for safety reasons.

You can change your mind about speaking to a solicitor at any time. Tell the police as soon as possible and they will contact a solicitor for you.

If the solicitor does not come to the police station when they said they would, or you need to talk to the solicitor again, ask the police to contact the solicitor again.

You have the right to have the solicitor in the room with you when the police ask you questions unless urgent questions need to be asked of you before the solicitor attends, for safety reasons.

• How long can you be detained for questioning?

The police can detain you for questioning for up to 48 hours without charging you with an offence. Every so often a senior police officer has to look into your case to see if you should still be detained. This is called a review. You can only be detained for longer than 48 hours if a court allows it. The court can extend the period of detention without charge up to a maximum of 14 days from your arrest. In these circumstances you must be given the following:

- A written document that the application to extend your detention has been made;
- The time the application was made;
- The time the application is to be heard in court; and
- The reason(s) further detention is sought.

A notice must be provided to you (and your legal representative) each time an application is made to extend or further extend your detention.

You and your solicitor have the right to have your say about this decision, unless you are not in a fit state. A solicitor can advise you about this.

- **Independent Custody Visitors**

There are members of the community who are allowed to access police stations. They are known as Independent Custody Visitors and operate on a voluntary basis to make sure that detained people are being treated properly and have access to their rights.

You do not have a right to see an Independent Custody Visitor or ask them to visit you but a visitor may ask to see you. If an Independent Custody Visitor does visit you while you are in custody they will be acting independently of the police to check that your welfare and rights have been protected. It is your choice if you wish to speak to them.



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