| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0776  Responded to: 28th March 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## When the police exercise their powers under the Criminal Law (Consolidation) (Scotland) Act 1995 Section 50A, do they use their powers of arrest in a way that is different from their use for other alleged offences? (I’m aware that the general test is whether the officer believes that there are "reasonable grounds for suspecting someone has committed an offence”.)

The only power of arrest available to Police Officers for this offence is under Section 1 of the Criminal Justice (Scotland) Act 2016 which is the same power of arrest used for all other offences, with minor exceptions such as Terrorism offences.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may be interested in Police Scotland’s ‘Criminal Justice (Scotland) Act 2016 (Arrest Process)’ Standard Operating Procedure available on our website:-

[Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP](https://www.scotland.police.uk/spa-media/dvlnu5og/criminal-justice-scotland-act-2016-arrest-process-sop.pdf)

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.