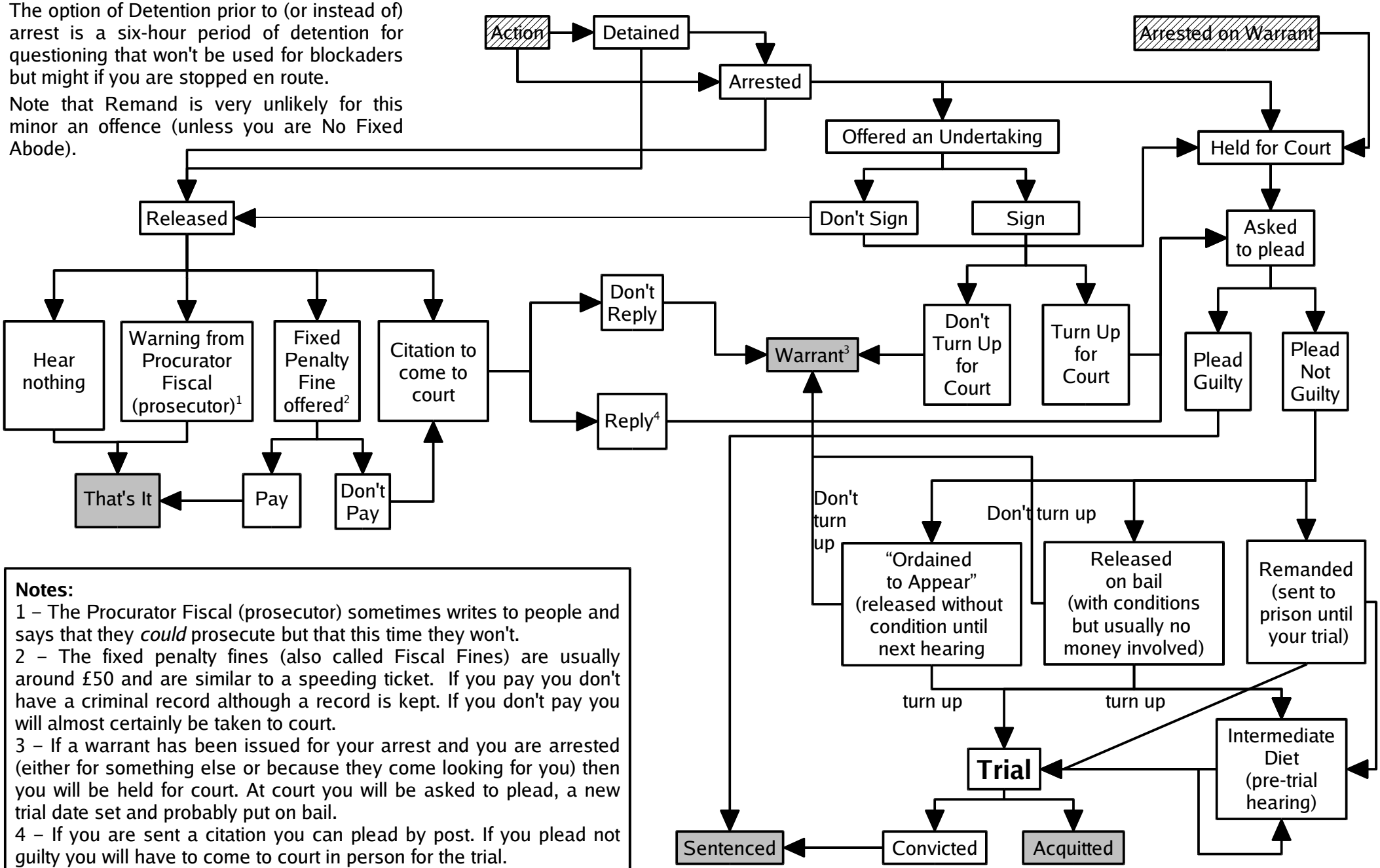
Post-Arrest Procedure in Scotland

This flowchart describes the possible processes following arrest, including what options the police have when they initially release you.

The option of Detention prior to (or instead of) arrest is a six-hour period of detention for questioning that won't be used for blockaders but might if you are stopped en route.

Note that Remand is very unlikely for this minor an offence (unless you are No Fixed Abode).



Notes:

1 – The Procurator Fiscal (prosecutor) sometimes writes to people and says that they *could* prosecute but that this time they won't.

2 – The fixed penalty fines (also called Fiscal Fines) are usually around £50 and are similar to a speeding ticket. If you pay you don't have a criminal record although a record is kept. If you don't pay you will almost certainly be taken to court.

3 – If a warrant has been issued for your arrest and you are arrested (either for something else or because they come looking for you) then you will be held for court. At court you will be asked to plead, a new trial date set and probably put on bail.

4 – If you are sent a citation you can plead by post. If you plead not guilty you will have to come to court in person for the trial.