

## SCHEDULE

### ANCILLARY PROVISION

#### **Modification of the Children (Scotland) Act 1995**

2. Section 78 of the Children (Scotland) Act 1995<sup>(1)</sup> is modified as follows—
- (a) in subsection (10), paragraph (b) and the word “; and” immediately preceding it are omitted;
  - (b) subsection (12) is repealed;
  - (c) before subsection (13) insert—
    - “(12A) Subsection (13) applies where—
      - (a) a person is brought before the sheriff under subsection (11) above; and
      - (b) the procurator fiscal has decided that no criminal proceedings are to be taken in respect of the facts and circumstances which gave rise to the arrest.”;
    - (d) in subsection (13), for “a person is brought before the sheriff under subsection (11) above” substitute “this subsection applies”;
  - (e) after subsection (13) insert—
    - “(13A) Subsection (14) applies where—
      - (a) a person has been liberated under subsection (7)(a) above; or
      - (b) the following conditions are met—
        - (i) a person is to be brought before the sheriff under subsection (11) above; and
        - (ii) the procurator fiscal has decided that no criminal proceedings are to be taken in respect of the facts and circumstances which gave rise to the arrest.”;
  - (f) in subsection (14)—
    - (i) for the words from the beginning to “subsection (11) above” substitute “Where this subsection applies”;
    - (ii) for the words from “in the case of” to “, before that” substitute “where the conditions in subsection (13A)(b) above are met, before the”.

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(1) 1995 c.36. Section 78 was amended by the 1995 Act schedule 4 paragraph 97(7) and the Police and Fire Reform (Scotland) Act 2012 (asp 8) schedule 7 paragraph 11(2).