



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 3

CUSTODY: PERSON OFFICIALLY ACCUSED

Person to be brought before court

22 Under 18s to be kept in place of safety prior to court

- (1) Subsection (2) applies when—
 - (a) a person is to be brought before a court in accordance with section 21(2), and
 - (b) either—
 - (i) a constable believes the person is under 16 years of age, or
 - (ii) the person is subject to a compulsory supervision order, or an interim compulsory supervision order, made under the Children's Hearings (Scotland) Act 2011.
- (2) The person must (unless released from custody under section 25) be kept in a place of safety until the person can be brought before the court.
- (3) The place of safety in which the person is kept must not be a police station unless an appropriate constable certifies that keeping the person in a place of safety other than a police station would be—
 - (a) impracticable,
 - (b) unsafe, or
 - (c) inadvisable due to the person's state of health (physical or mental).
- (4) A certificate under subsection (3) must be produced to the court when the person is brought before it.
- (5) In this section—

Status: This is the original version (as it was originally enacted).

“an appropriate constable” means a constable of the rank of inspector or above,
“place of safety” has the meaning given in section 202(1) of the Children’s
Hearings (Scotland) Act 2011.