



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 6

POLICE POWERS AND DUTIES

Duties of police

51 Duty to consider child's wellbeing

- (1) Subsection (2) applies when a constable is deciding whether to—
 - (a) arrest a child,
 - (b) hold a child in police custody,
 - (c) interview a child about an offence which the constable has reasonable grounds to suspect the child of committing, or
 - (d) charge a child with committing an offence.
- (2) In taking the decision, the constable must treat the need to safeguard and promote the wellbeing of the child as a primary consideration.
- (3) For the purposes of this section, a child is a person who is under 18 years of age.

Modifications etc. (not altering text)

- C1** S. 51 applied (with modifications) by 1994 c. 33, s. 137D(3)(c), Sch. 7B Pt. 2 (as inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017](#) (c. 3), s. 116(1)(3), 183(1)(5)(e), [Sch. 16](#); S.I. 2018/227, art. 2(f))

Commencement Information

- I1** S. 51 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, [sch.](#)

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 51 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38(7)(a) words renumbered as s. 38(7)(a) by [2024 asp 5 s. 15\(6\)\(a\)](#)
- s. 38(7)(b) and word inserted by [2024 asp 5 s. 15\(6\)\(b\)](#)
- s. 41(1A) inserted by [2024 asp 5 s. 15\(7\)\(b\)](#)