

Status: This version of this provision is prospective.

Changes to legislation: Children (Care and Justice) (Scotland) Act 2024, Section 18 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details) View outstanding changes



Children (Care and Justice) (Scotland) Act 2024

2024 asp 5

PART 2

CRIMINAL JUSTICE AND PROCEDURE

Remand, committal and detention of children

PROSPECTIVE

18 Remand and committal of children before trial or sentence

- (1) The 1995 Act is amended as follows.
- (2) In section 51 (remand and committal of children and young persons)—
 - (a) in subsection (1)—
 - (i) in paragraph (a), for “16” substitute “18”,
 - (ii) paragraph (aa) is repealed,
 - (b) in paragraph (b), for “16” to the end substitute “18 years, the court may commit the person to a young offenders institution,”,
 - (c) in subsection (4A), for “paragraphs (a) or (aa)” substitute “paragraph (a)”,
 - (d) subsection (5) is repealed,
 - (e) after that subsection insert—
 - “(6) The Scottish Ministers may by regulations make provision about the detention in secure accommodation of children who have been committed to a local authority under subsection (1)(a).
 - (7) Regulations under subsection (6) may, in particular, make provision about the circumstances in which such children may remain in secure accommodation despite attaining the age of 18 years (provided that no person may remain in such accommodation after attaining the age of 19 years).

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(8) Regulations under subsection (6) are subject to the affirmative procedure.”.

Commencement Information

II S. 18 not in force at Royal Assent, see [s. 38\(3\)](#)

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

- Act power to modify conferred by 1995 c. 36, s. 33A (as inserted) by [2024 asp 5 s. 30\(2\)](#)
- Act power to modify conferred by 2010 asp 8, s. 190(2A) (as substituted) by [2024 asp 5 s. 29\(2\)\(b\)](#)