



Criminal Justice (Scotland) Act 1987

1987 CHAPTER 41

PART II

MISCELLANEOUS

Detention by customs officers

49 Right to have someone informed when detained

- (1) Without prejudice to section 19 or 305 of the ^{M1}1975 Act (intimation to solicitor following arrest), a person who, not being a person in respect of whose detention subsection (2) below applies, is being detained under section 48 of this Act at a customs office or other premises shall be entitled to have intimation of his detention and of the place where he is being detained sent to a solicitor and to one other person reasonably named by him without delay or, where some delay is necessary in the interest of the investigation or the prevention of crime or the apprehension of offenders, with no more delay than is so necessary; and the person shall be informed of such entitlement—
 - (a) on arrival at the customs office or other premises; or
 - (b) where he is not detained until after such arrival, on such detention.
- (2) Without prejudice to the said section 19 or 305, an officer shall, where a person who is being detained as is mentioned in subsection (1) above appears to him to be a child, send without delay such intimation as is mentioned in that subsection to that person's parent if known; and the parent—
 - (a) in a case where there is reasonable cause to suspect that he has been involved in the alleged offence in respect of which the person has been detained, may; and
 - (b) in any other case shall,be permitted access to the person.

Status: Point in time view as at 18/09/1993. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1987, Section 49. (See end of Document for details)

- (3) The nature and extent of any access permitted under subsection(2) above shall be subject to any restriction essential for the furtherance of the investigation or the well-being of the person.
- (4) In subsection (2) above—
- (a) “child” means a person under 16 years of age; and
 - (b) “parent” includes a guardian and any person who has the actual custody of a child.

Marginal Citations

M1 1975 c.21.

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