



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART V U.K.

CHILDREN AND YOUNG PERSONS

50 Children and certain proceedings. S

- (1) No child under 14 years of age (other than an infant in arms) shall be permitted to be present in court during any proceedings against any other person charged with an offence unless his presence is required as a witness or otherwise for the purposes of justice [^{F1}or the court consents to his presence].
- (2) Any child present in court when, under subsection (1) above, he is not to be permitted to be so shall be ordered to be removed.
- (3) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child is called as a witness, the court may direct that all or any persons, not being—
 - (a) members or officers of the court;
 - (b) parties to the case before the court, their counsel or solicitors or persons otherwise directly concerned in the case;
 - (c) *bona fide* representatives of news gathering or reporting organisations present for the purpose of the preparation of contemporaneous reports of the proceedings; or
 - (d) such other persons as the court may specially authorise to be present,shall be excluded from the court during the taking of the evidence of that witness.
- (4) The powers conferred on a court by subsection (3) above shall be in addition and without prejudice to any other powers of the court to hear proceedings *in camera*.
- (5) Where in any proceedings relating to any of the offences mentioned in Schedule 1 to this Act, the court is satisfied that the attendance before the court of any person under the age of 17 years in respect of whom the offence is alleged to have been committed

Status: Point in time view as at 06/04/2007.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 50 is up to date with all changes known to be in force on or before 31 July 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)

is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of that person.

- (6) Every court in dealing with a child who is brought before it as an offender shall have regard to the welfare of the child and shall in a proper case take steps for removing him from undesirable surroundings.

Textual Amendments

- F1** Words in s. 50(1) inserted (27.9.1999) by 1999 c. 22, ss. 73(2), 108(3)(b) (with s. 107, Sch. 14 para. 7(2))

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