

Status: Point in time view as at 12/02/2019.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Paragraph 40. (See end of Document for details)

SCHEDULES

SCHEDULE 3

BORDER SECURITY

Modifications etc. (not altering text)

- C1** Sch. 3 modified by [Channel Tunnel \(International Arrangements\) Order 1993 \(S.I. 1993/1813\)](#), [Sch. 4 para. 7](#) (as inserted (12.2.2019 for specified purposes) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(1)(g)(2)(c), [Sch. 3 para. 63\(1\)](#) (with s. 25(9), [Sch. 3 para. 63\(2\)](#)))

PART 2

DETENTION

Rights: Scotland

- 40 (1) Paragraphs 37 to 39 have effect in relation to a detainee in place of any enactment or rule of law under or by virtue of which a person arrested or detained may be entitled to communicate or consult with any other person.
- (2) But where the detainee appears to a constable to be a child—
- (a) the other person named by the detainee in pursuance of paragraph 37(1) must be the detainee's parent,
 - (b) intimation is to be made under paragraph 37(1) whether the detainee requests that it be made or not, and
 - (c) section 40 of the Criminal Justice (Scotland) Act 2016 (right of under 18s to have access to other person) applies as if the detainee were a person in police custody for the purposes of that section.
- (3) In relation to a detainee who is detained at a place other than a police station, sub-paragraph (2) applies as if references to a constable included an examining officer.
- (4) For the purposes of sub-paragraph (2)—
- “child” means a person under 16 years of age;
 - “parent” includes guardian and any person who has the care of the child.

Commencement Information

- II** Sch. 3 para. 40 in force at Royal Assent for specified purposes, see. s. 27(1)(g)(2)(c)

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