

*Status: Point in time view as at 13/08/2020.*

*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 S.I. 1993/1813, Sch. 4 para. 7 (as inserted (12.2.2019 for specified purposes; 13.8.2020 in so far as not already in force) by Counter Terrorism and Border Security Act 2019 (c. 3), s. 27(1)(g), Sch. 3 para. 63(1) (with s. 25(9), Sch. 3 para. 63(2)); S.I. 2020/792, reg. 2(g)

### 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

- I1** Sch. 3 para. 40 in force at Royal Assent for specified purposes, see. s. 27(1)(g)(2)(c)
- I2** Sch. 3 para. 40 in force at 13.8.2020 in so far as not already in force by S.I. 2020/792, reg. 2(g)

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