



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1

ARREST AND CUSTODY

CHAPTER 3

CUSTODY: PERSON OFFICIALLY ACCUSED

Person to be brought before court

22 Under 18s to be kept in place of safety prior to court

- (1) Subsection (2) applies when—
 - (a) a person is to be brought before a court in accordance with section 21(2), and
 - (b) either—
 - (i) a constable believes the person is under 16 years of age, or
 - (ii) the person is subject to a compulsory supervision order, or an interim compulsory supervision order, made under the Children's Hearings (Scotland) Act 2011.
- (2) The person must (unless released from custody under section 25) be kept in a place of safety until the person can be brought before the court.
- (3) The place of safety in which the person is kept must not be a police station unless an appropriate constable certifies that keeping the person in a place of safety other than a police station would be—
 - (a) impracticable,
 - (b) unsafe, or
 - (c) inadvisable due to the person's state of health (physical or mental).
- (4) A certificate under subsection (3) must be produced to the court when the person is brought before it.
- (5) In this section—

Changes to legislation: *Criminal Justice (Scotland) Act 2016, Section 22 is up to date with all changes known to be in force on or before 03 April 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*

“an appropriate constable” means a constable of the rank of inspector or above,
“place of safety” has the meaning given in section 202(1) of the Children's
Hearings (Scotland) Act 2011.

Modifications etc. (not altering text)

C1 S. 22 applied by 1995 c. 46, s. 28A(2) (as inserted (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016](#) (asp 1), s. 117(2), **sch. 2 para. 30**; S.S.I. 2017/345, art. 3, sch.)

Commencement Information

I1 S. 22 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, **sch.** (with art. 4)

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

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)