



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 1 **S**

ARREST AND CUSTODY

CHAPTER 3 **S**

CUSTODY: PERSON OFFICIALLY ACCUSED

Person to be brought before court

23 Notice to parent that under 18 to be brought before court **S**

- (1) Subsection (2) applies when a person who is 16 years of age or over and subject to a supervision order or under 16 years of age—
 - (a) is to be brought before a court in accordance with section 21(2), or
 - (b) is released from police custody on an undertaking given under section 25(2)(a).
- (2) A parent of the person mentioned in subsection (1) (if one can be found) must be informed of the following matters—
 - (a) the court before which the person is to be brought,
 - (b) the date on which the person is to be brought before the court,
 - (c) the general nature of the offence which the person has been officially accused of committing, and
 - (d) that the parent's attendance at the court may be required under section 42 of the 1995 Act.
- (3) Subsection (2) does not require any information to be given to a parent if a constable has grounds to believe that giving the parent the information mentioned in that subsection may be detrimental to the wellbeing of the person mentioned in subsection (1).
- (4) In this section—

Changes to legislation: *Criminal Justice (Scotland) Act 2016, Section 23 is up to date with all changes known to be in force on or before 22 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*

“parent” includes guardian and any person who has the care of the person mentioned in subsection (1),

“supervision order” means compulsory supervision order, or interim compulsory supervision order, made under the Children's Hearings (Scotland) Act 2011.

Modifications etc. (not altering text)

C1 S. 23 applied (with modifications) by 1995 c. 46, s. 28A(2)(3) (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. 23 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, **sch.** (with art. 4)

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 23 is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

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\(a\)](#)