



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 1 **S**

#### ARREST AND CUSTODY

### CHAPTER 6 **S**

#### POLICE POWERS AND DUTIES

##### *Duties of police*

#### 52 Duties in relation to children in custody **S**

- (1) A child who is in police custody at a police station is, so far as practicable, to be prevented from associating with any adult who is officially accused of committing an offence other than an adult to whom subsection (2) applies.
- (2) This subsection applies to an adult if a constable believes that it may be detrimental to the wellbeing of the child mentioned in subsection (1) to prevent the child and adult from associating with one another.
- (3) For the purposes of this section—
  - “child” means person who is under 18 years of age,
  - “adult” means person who is 18 years of age or over.

#### **Modifications etc. (not altering text)**

- C1** S. 52 applied (with modifications) by 1994 c. 33, s. 137D(3)(d), Sch. 7B Pt. 2 (as inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017](#) (c. 3), s. 116(1)(3), 183(1)(5)(e), [Sch. 16](#); S.I. 2018/227, art. 2(f))

#### **Commencement Information**

- II** S. 52 in force at 25.1.2018 by [S.S.I. 2017/345](#), art. 3, [sch.](#)

**Changes to legislation:**

Criminal Justice (Scotland) Act 2016, Section 52 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\(a\)](#)