Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART V

CHILDREN AND YOUNG PERSONS

51 Remand and committal of children and young persons.

(1) Where a court remands or commits for trial or for sentence a person under 21 years of age who is charged with or convicted of an offence and is not released on bail or ordained to appear, then, except as otherwise expressly provided by this section, the following provisions shall have effect—

(a) [F1]. . . if he is under **[**[F2]18**]** years of age [F3]**[**[F4]. . . , the court shall**]** commit him to the local authority **[**[F5]which it considers appropriate**]** to be detained—

(i) where the court so requires, in secure accommodation **[**[F6](as defined in section 202(1) of the Children's Hearings (Scotland) Act 2011 (asp 1))**]** ; and

(ii) in any other case, in a suitable place of safety chosen by the authority;

[F7](aa) . . . . . .

[[F8](b) if he is a person who has attained the age of **[**[F9]18 years, the court may commit the person to a young offenders institution,**]**

(bb) [F10]. . . . . .**]**

(2) Where any person is committed to a local authority [F11]. . . under any provision of this Act, that authority [F12]. . . shall be specified in the warrant, and he shall be detained by the authority [F13]. . . for the period for which he is committed or until he is liberated in due course of law.

[F14](2A) . . . . . .

(3) [F15]. . . . . .

(4) [F15]. . . . . .

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 51 is up to date with all changes known to be in force on or before 17 September 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*

[[F16](4A) The local authority which may be appropriate in relation to a power to commit a person under **[**[F17]paragraph (a)**]** of subsection (1) [F18]. . . may, without prejudice to the generality of those powers, be—

(a) the local authority for the area in which the court is situated;

(b) if the person is usually resident in Scotland, the local authority for the area in which he is usually resident;

(c) if the person is subject to a **[**[F19]compulsory supervision order or interim compulsory supervision order, the implementation authority (as defined in section 202(1) of the Children's Hearings (Scotland) Act 2011 (asp 1).**]]**

[F20](5) . . . . . .

[[F21](6) The Scottish Ministers may by regulations make provision about the detention in secure accommodation of children who have been committed to a local authority under subsection (1)(a).

(7) Regulations under subsection (6) may, in particular, make provision about the circumstances in which such children may remain in secure accommodation despite attaining the age of 18 years (provided that no person may remain in such accommodation after attaining the age of 19 years).

(8) Regulations under subsection (6) are subject to the affirmative procedure.**]**

Textual Amendments

F1 Words in s. 51(1)(a) repealed (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), **ss. 23(3)(a)(i)**, 89; S.S.I. 2003/288, **art. 2**, Sch.

F2 Word in s. 51(1)(a) substituted (28.8.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), **ss. 18(2)(a)(i)**, 38(3); S.S.I. 2024/211, reg. 2(c) (with reg. 3)

F3 Words in s. 51(1)(a) repealed (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 64(2)(a)(i)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

F4 Words in s. 51(1)(a) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss.{23(3)(a)(ii)}, 89; S.S.I. 2003/288, **art. 2**, Sch.

F5 Words in s. 51(1)(a) substituted (1.8.1997) by 1997 c. 48, **s. 56(2)(a)**; S.I. 1997/1712, art. 3, **Sch.** (subject to arts. 4, 5)

F6 Words in s. 51(1)(a)(i) substituted (24.6.2013) by The Childrens Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **sch. 1 para. 10(6)(a)**

F7 S. 51(1)(aa) repealed (28.8.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), **ss. 18(2)(a)(ii)**, 38(3); S.S.I. 2024/211, reg. 2(c) (with reg. 3)

F8 S. 51(1)(b)(bb) substituted for (b) (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss.{23(3)(c)}, 89; S.S.I. 2003/288, **art. 2**, Sch.

F9 Words in s. 51(1)(b) substituted (28.8.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), **ss. 18(2)(b)**, 38(3); S.S.I. 2024/211, reg. 2(c) (with reg. 3)

F10 S. 51(1)(bb) repealed (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 64(2)(a)(ii)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

F11 Words in s. 51(2) repealed (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss.{23(4)}, 89; S.S.I. 2003/288, **art. 2**, Sch.

F12 Words in s. 51(2) repealed (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss.{23(4)}, 89; S.S.I. 2003/288, **art. 2**, Sch.

F13 Words in s. 51(2) repealed (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss.{23(4)}, 89; S.S.I. 2003/288, **art. 2**, Sch.

F14 S. 51(2A) repealed (28.8.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), s. 38(3), **sch. para. 16(2)**; S.S.I. 2024/211, reg. 2(j)(ii) (with reg. 3)

F15 S. 51(3)(4) repealed (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 64(2)(c)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

F16 S. 51(4A) inserted (1.8.1997) by 1997 c. 48, **s. 56(4)**; S.I. 1997/1712, art. 3, **Sch.** (subject to arts. 4, 5)

F17 Words in s. 51(4A) substituted (28.8.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), **ss. 18(2)(c)**, 38(3); S.S.I. 2024/211, reg. 2(c) (with reg. 3)

F18 Words in s. 51(4A) repealed (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 64(2)(d)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

F19 Words in s. 51(4A)(c) substituted (24.6.2013) by The Childrens Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **sch. 1 para. 10(6)(c)**

F20 S. 51(5) repealed (28.8.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), **ss. 18(2)(d)**, 38(3); S.S.I. 2024/211, reg. 2(c) (with reg. 3)

F21 S. 51(6)-(8) inserted (28.8.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), **ss. 18(2)(e)**, 38(3); S.S.I. 2024/211, reg. 2(c) (with reg. 3)

Modifications etc. (not altering text)

C1 S. 51 applied (1.12.2014) by The Mutual Recognition of Supervision Measures in the European Union (Scotland) Regulations 2014 (S.S.I. 2014/337), reg. 1, **sch. 2 para. 18(1)**

C2 S. 51(1)(a)(ii) modified (1.4.1997) by S.I. 1996/3255, **reg. 14(1)(a)**
S. 51(4)(b) modified (1.4.1997) by S.I. 1996/3255, **reg. 14(1)(a)**

Changes to legislation:
Criminal Procedure (Scotland) Act 1995, Section 51 is up to date with all changes known to be in force on or before 17 September 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.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B)(1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)
- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 22A(1A) inserted by 2023 asp 4 s. 1(2)
- s. 23B(1)(1A) substituted for s. 23B(1) by 2023 asp 4 s. 2(2)(a)
- s. 23B(6A) inserted by 2023 asp 4 s. 1(3)(c)
- s. 23B(8)-(10) inserted by 2023 asp 4 s. 2(2)(c)
- s. 23C(1A) inserted by 2023 asp 4 s. 2(3)(b)
- s. 23C(3) inserted by 2023 asp 4 s. 2(3)(c)
- s. 24(2C) inserted by 2023 asp 4 s. 4(4)
- s. 24(2AA) inserted by 2023 asp 4 s. 4(2)
- s. 49(1)-(1F) substituted for s. 49(1)-(3) by 2024 asp 5 s. 17(2)(a)
- s. 49(4A)-(4C) inserted by 2024 asp 5 s. 17(2)(c)
- s. 50(7) inserted by 2024 asp 5 s. 16(2)
- s. 70B and cross-heading inserted by 2024 asp 5 s. 16(3)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 142A inserted by 2024 asp 5 s. 16(5)
- s. 167(7D)(7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 175(1)(ca) words substituted by 2024 asp 5 Sch. para. 7(4)(a)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 271D(4A) inserted by 2019 asp 8 s. 6(4)
- s. 271F(2)(aa) inserted by 2019 asp 8 s. 10(4)
- s. 271AA inserted by 2019 asp 8 s. 6(2)
- s. 271BZD inserted by 2019 asp 8 s. 3(2)
- Sch. 5A added by 1997 c. 48 s. 1(2) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)