



Crime and Punishment (Scotland) Act 1997

1997 CHAPTER 48

PART VI

MISCELLANEOUS AND GENERAL

Miscellaneous

56 Powers of the court on remand or committal of children and young persons.

(1) Section 51 of the 1995 Act (remand or committal of children and young persons) shall be amended in accordance with this section.

(2) In subsection (1)—

(a) in paragraph (a), for the words “in whose area the court is situated” there shall be substituted the words “ which it considers appropriate ”;

(b) after paragraph (a) there shall be inserted the following paragraph—

“(aa) if the person is over 16 years of age and subject to a supervision requirement, the court may, instead of committing him to prison, commit him to the local authority which it considers appropriate to be detained as mentioned in sub-paragraphs (i) or (ii) of paragraph (a) above;” and

(c) in paragraph (b), after the “age”, where it first occurs, there shall be inserted the words “ to whom paragraph (aa) above does not apply ”.

^{F1}(3)

(4) After subsection (4) there shall be inserted the following subsection—

“(4A) The local authority which may be appropriate in relation to a power to commit a person under paragraphs (a) or (aa) of subsection (1) or subsection (4) above may, without prejudice to the generality of those powers, be—

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

Changes to legislation: There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 56. (See end of Document for details)

- (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 supervision requirement, the relevant local authority within the meaning of Part II of the ^{M1}Children (Scotland) Act 1995 in relation to that requirement.”.

Textual Amendments

F1 S. 56(3) repealed (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **Sch. 7 para. 68**; S.S.I. 2011/178, art. 2, Sch.

Marginal Citations

M1 1995 c.36.

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