



# Criminal Justice (Scotland) Act 1949

## 1949 CHAPTER 94

### PART I

#### POWERS AND PROCEEDINGS OF COURTS

##### *Powers relating to young offenders*

#### **19 Detention in a detention centre**

- (1) Where a court has power, or would but for the last foregoing section have power, to impose imprisonment on a person who is not less than fourteen but under twenty-one years of age, the court, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description, may in lieu of imposing imprisonment order him to be detained in a detention centre to be specified in the order for a term not exceeding three months:

Provided that if the maximum term of imprisonment which the court might, or might but for the last foregoing section, impose is less than three months, the term for which he is ordered to be detained as aforesaid shall be a term not exceeding, that maximum term of imprisonment.

- (2) A court shall not order a person to be detained in a detention centre—
- (a) if he has been previously sentenced to imprisonment or Borstal training;
  - (b) if he is not less than seventeen years of age, and has previously been ordered to be so detained since attaining that age;
- and shall not order any other person to be so detained unless the court has considered every other method (except imprisonment) by which the court might deal with him and is of opinion that none of those methods is appropriate.
- (3) Where a person has been ordered to be detained in a detention centre in default of the payment of any sum of money then, on the payment of the whole or part of that sum, he shall be discharged, or, as the case may be, the term of his detention shall be reduced, in the same manner as if the term were a term of imprisonment.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (4) A court shall not make an order that an offender who is not less than fourteen years of age be committed to custody in a remand home under section fifty-eight of the Children and Young Persons (Scotland) Act, 1937, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description.