



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 4

#### PRISONERS ETC.

##### *Custody and temporary detention*

#### **23 Remand and committal of children and young persons**

- (1) In section 19(1)(b) of the 1989 Act (construction of expression “young offenders institution”), at the end there is added “ and in which certain such persons as are mentioned in paragraph (a) above may be kept ”.
- (2) In section 40 of that Act (persons unlawfully at large), in each of subsections (1) and (2), after the words “a prison” there is inserted “ or young offenders institution ”.
- (3) In subsection (1) of section 51 of the 1995 Act (remand and committal of children and young persons)—
  - (a) in paragraph (a)—
    - (i) the words “subject to paragraph (b) below,” are repealed; and
    - (ii) for the words “the court shall, instead of committing him to prison,” there is substituted “ but is not a child to whom paragraph (bb) below applies, the court shall ”;
  - (b) in paragraph (aa)—
    - (i) for the words “is over 16 years of age and” there is substituted “ has attained the age of 16 years and is ”;
    - (ii) the words “, instead of committing him to prison,” are repealed; and
    - (iii) at the end there is added “ or may commit him either to prison or to a young offenders institution ”;
  - (c) for paragraph (b) there is substituted—
    - “(b) if he is a person who has attained the age of 16 years and to whom paragraph (aa) above does not apply, then where—
      - (i) the court has been notified by the Scottish Ministers that a remand centre is available for the reception

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*Status: Point in time view as at 27/06/2003. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice (Scotland) Act 2003, Section 23 is up to date with all changes known to be in force on or before 31 March 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)*

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- from that court of persons of his class or description, it shall commit him to a remand centre; or
- (ii) the court has not been so notified, it may commit him either to prison or to a young offenders institution;
- (bb) if he is a child who is under 16 years of age but has attained the age of 14 years and is certified by the court to be unruly or depraved, then where—
- (i) the court has been so notified as is mentioned in paragraph (b)(i) above, it shall commit him to a remand centre; or
- (ii) the court has not been so notified, it may commit him either to prison or to a young offenders institution.”.
- (4) In subsection (2) of that section the words “or to a remand centre”, “or centre” and “or in the centre” are repealed.
- (5) After subsection (2) of that section there is inserted—
- “(2A) Subject to subsection (4) below, where any person is committed to a remand centre under any provision of this Act, he shall be detained in a remand centre for the period for which he is committed or until he is liberated in due course of law.”.
- (6) In subsection (3)(b) of that section, for the words “to a prison” there is substituted “either to prison or to a young offenders institution”.
- (7) In subsection (4) of that section—
- (a) for the words “to prison or to a remand centre under this section” there is substituted “under this section to prison, to a young offenders institution or to a remand centre”; and
- (b) after the words “or a” there is inserted “young offenders institution or”.
- (8) At the end of that section there is added—
- “(5) Where by virtue of subsection (1)(aa), (b)(ii), (bb)(ii) or (3)(b) of this section a person is committed either to prison or to a young offenders institution, the warrant issued by the court is warrant also, without further application to the court in that regard, for committal to whichever of the two the court does not specify.”.

**Status:**

Point in time view as at 27/06/2003. This version of this provision has been superseded.

**Changes to legislation:**

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