



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 1

#### ARREST AND CUSTODY

#### CHAPTER 6

#### POLICE POWERS AND DUTIES

##### *Duties of police*

#### **51 Duty to consider child's wellbeing**

- (1) Subsection (2) applies when a constable is deciding whether to—
  - (a) arrest a child,
  - (b) hold a child in police custody,
  - (c) interview a child about an offence which the constable has reasonable grounds to suspect the child of committing, or
  - (d) charge a child with committing an offence.
- (2) In taking the decision, the constable must treat the need to safeguard and promote the wellbeing of the child as a primary consideration.
- (3) For the purposes of this section, a child is a person who is under 18 years of age.