Status: Point in time view as at 29/11/2019. This version of this provision is not valid for this point in time. Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, Section 28 is up to date with all changes known to be in force on or before 26 May 2023. 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)



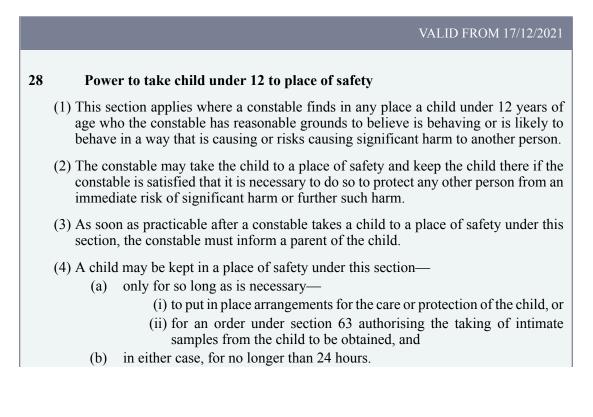
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PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 1

EMERGENCY PLACE OF SAFETY



Status: Point in time view as at 29/11/2019. This version of this provision is not valid for this point in time. Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, Section 28 is up to date with all changes known to be in force on or before 26 May 2023. 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)

- (5) A child may be kept in a place of safety that is a police station only if a constable of the rank of inspector or above considers that it is not reasonably practicable to keep the child in a place of safety that is not a police station.
- (6) But a child must not be kept in a cell within a police station.
- (7) Subsection (6) does not apply if (and only for as long as) a constable of the rank of inspector or above considers that it is not reasonably practicable for the child to be kept elsewhere within the police station.
- (8) Where a child is kept in a police station (whether in a cell or elsewhere), the constable must take steps to identify a place of safety that is not a police station and transfer the child to that place as soon as is reasonably practicable.
- (9) Subsection (8) does not apply where subsection (4)(a)(ii) applies.
- (10) This section does not affect any other power by virtue of which a constable may take a child to a place of safety.
- (11) In this section—

"intimate sample" has the meaning given by section 60(4),

- "place of safety" means-
 - (a) a residential or other establishment provided by a local authority,
 - (b) a community home within the meaning of section 53 of the Children Act 1989 (c.41),
 - (c) a hospital or surgery, the person or body of persons responsible for the management of which is willing temporarily to receive the child,
 - (d) the dwelling-house of a suitable person who is so willing,
 - (e) any other suitable place the occupier of which is so willing, or
 - (f) a police station (but see subsections (5) to (8)).

Point in time view as at 29/11/2019. This version of this provision is not valid for this point in time.

Changes to legislation:

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