

SCHEDULE

ANCILLARY PROVISION

Modification of the Children (Scotland) Act 1995

2. Section 78 of the Children (Scotland) Act 1995⁽¹⁾ is modified as follows—
- (a) in subsection (10), paragraph (b) and the word “; and” immediately preceding it are omitted;
 - (b) subsection (12) is repealed;
 - (c) before subsection (13) insert—
 - “(12A) Subsection (13) applies where—
 - (a) a person is brought before the sheriff under subsection (11) above; and
 - (b) the procurator fiscal has decided that no criminal proceedings are to be taken in respect of the facts and circumstances which gave rise to the arrest.”;
 - (d) in subsection (13), for “a person is brought before the sheriff under subsection (11) above” substitute “this subsection applies”;
 - (e) after subsection (13) insert—
 - “(13A) Subsection (14) applies where—
 - (a) a person has been liberated under subsection (7)(a) above; or
 - (b) the following conditions are met—
 - (i) a person is to be brought before the sheriff under subsection (11) above; and
 - (ii) the procurator fiscal has decided that no criminal proceedings are to be taken in respect of the facts and circumstances which gave rise to the arrest.”;
 - (f) in subsection (14)—
 - (i) for the words from the beginning to “subsection (11) above” substitute “Where this subsection applies”;
 - (ii) for the words from “in the case of” to “, before that” substitute “where the conditions in subsection (13A)(b) above are met, before the”.

(1) 1995 c.36. Section 78 was amended by the 1995 Act schedule 4 paragraph 97(7) and the Police and Fire Reform (Scotland) Act 2012 (asp 8) schedule 7 paragraph 11(2).