



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 2

ANTISOCIAL BEHAVIOUR ORDERS

Breach of orders

10 Breach of orders: prohibition on detention of children

- (1) The Criminal Procedure (Scotland) Act 1995 (c. 46) shall be amended as follows.
- (2) In subsection (2) of section 44 (detention of children), after “offence” there shall be inserted “(other than, if the child is under the age of 16 years, an offence under section 9(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) or that section as applied by section 234AA(11) of this Act)”.
- (3) In section 208 (detention of children convicted on indictment), after “Act” there shall be inserted “and subsection (3) below”.
- (4) At the end of section 208 there shall be added—
 - “(3) If the child is under the age of 16 years, the power conferred by subsection (1) above shall not be exercisable in respect of a conviction for an offence under section 9(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) or that section as applied by section 234AA(11) of this Act.”.