

Legal Briefing for Young People

While we welcome people of all ages to take part in Faslane 365¹, there are some factors which apply particularly to young people which you should consider, and which this briefing aims to cover.

Please check with the Blockading Group (BG) you are planning to come with if they have any special provisions, or concerns, about involving young people.

Juveniles

Anyone aged 16 or over is treated as an adult in Scots Law. Anyone aged under 16 is treated as a Juvenile. Note that if you look under 16 you might be treated as a Juvenile until they can confirm your age.

How Juveniles are Treated if Arrested

There are different rules governing how juveniles are treated if they are arrested. In particular:

- They don't hold juveniles in normal police cells. Although the difference between a cell and the sort of holding room they do use is often minimal, it does mean that a juvenile won't be held in the same cell as adults.
- They will inform your parents that you've been arrested whether you want them to or not.
- They can't interview you without your parents or another "appropriate adult" present.
- They may refuse to release you until your parents come to pick you up. If you are coming to Faslane but your parents are not then you should make sure there is someone else who is coming who can act as a responsible adult. That person should bring a letter² from your parents authorising them to pick you up (and your parents should be contactable to confirm this). They don't have to accept this but it helps!
- They could also try to involve the Social Services Department. However, unless there are other factors (such as your parents being uncontactable or your address unverifiable) there would probably be a limit to their interest.

Are Juveniles Prosecuted?

Juveniles are not prosecuted through the normal court system for minor offences like these. If a juvenile is charged then a report is sent to the Reporter to the Childrens Panel. He then decides whether to report the matter to the Childrens Panel. A Childrens Panel hearing is like a court hearing in some ways but very different in style and approach. The overriding concern of a Childrens Panel should be the interests of the child.

It is therefore unlikely that peaceful, non-violent, accountable and principled actions of this sort would be reported to the Childrens Panel unless you keep doing it several times in quick succession. We have no knowledge of Juveniles being prosecuted for actions at Faslane.

Remember that if you are aged 16 or over you will be treated as an adult and can be prosecuted though the normal court system.

1 Check with BG

2 See overleaf or www.faslane365.org/legal for a template letter.

To whom it may concern

I give my consent to my child _____ attending a protest at Faslane on _____.

They will be in the care of _____. In the event of my child being arrested I wish the above named person to be treated as the person who has actual custody of my child. In particular I wish my child to be released to that person.

Signed

Name:

Date:

If you need to contact me by phone to confirm this:

Daytime: _____

Evening: _____

Mobile: _____