



# 16 / 17 Year Old Suspect – Solicitor Waiver

Consent to Interview Without Solicitor (S33 Criminal Justice (Scotland) Act 2016)

## Guidance to Officers

This form must be completed where a 16 or 17 year old person who is not subject to a compulsory supervision order or an interim compulsory supervision order made under the Children’s Hearings (Scotland) Act 2011 has waived their right to have a solicitor present during an interview. For such a waiver to be valid, the ‘relevant person’ identified for intimation purposes by the 16 or 17 year old must also agree to allow the police to proceed to interview without a solicitor being present. The relevant person must sign this form and their decision must be recorded. The relevant person must read / should be read the guidance on this form prior to proceeding any further.

## Section 1 – Declaration of 16 / 17 Year Old

“I, (name) (age) have nominated (name) as my relevant person and hereby give my consent to them being informed I am currently under arrest / in attendance voluntarily, having been suspected of committing (offence(s))

Signature	FOI Disclosure - 22-0143	Date	
		Time	

## Section 2 – Statement to Relevant Person. Read as follows:

“Are you, (name) 18 years or older?” Yes  No

Confirm Date of Birth

(If the person is under 18 years old they cannot act as a relevant person and another relevant person will need to be identified.)

(Suspect name) “ (date of birth) has been arrested / has attended voluntarily and is suspected of committing (offence(s))

They are currently in custody in (station) Police Station.

The investigating officers intend to interview (name) in relation to this offence.

(Name) has the right to have a lawyer present during interview, however, they wish to be interviewed without having a lawyer present. In these circumstances, an interview can only go ahead (except in exceptional circumstances) if someone, known as a relevant person, also agrees for the interview to take place without a lawyer being present.

I cannot advise you regarding whether or not you should agree or disagree with (suspect name) decision as it would not be appropriate for me to do so.

You have been named by (name) as their relevant person.”

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**Section 3 – Details of Relevant Person**

Name	
Address	
Telephone Number	

**Section 4 – Circumstances Surrounding Arrest / Voluntary Attendance**

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The suspect has / has not requested intimation to be sent to a lawyer in relation to their arrest. The suspect has / has not requested a consultation with a lawyer prior to interview. (delete as appropriate)

**Section 5 – Request for Access**

If requested by the Relevant Person, consideration needs to be given to any request for a conversation / visit with the 16 / 17 year old person in custody. If it is approved by the 16 / 17 year old person in custody, then custody staff should grant this. This includes a face to face visit or by telephone.

**If Granted:**

<b>Access to Custody Date</b>		<b>Start Time</b>		<b>End Time</b>	
<b>Method of Access</b>	<b>Face to Face</b>	<input type="checkbox"/>	<b>Telephone</b>	<input type="checkbox"/>	

**Section 6 – Relevant Person Declaration**

I, (relevant person) agree / do not agree\* that (suspect)  
may be interviewed without the presence of a lawyer.

\*delete as appropriate

<b>Relevant Person Signature</b>		<b>Date</b>	
		<b>Time</b>	
<b>Police Witness 1</b>	<b>Signature</b>	<b>Date</b>	
	<b>PSI</b>	<b>Time</b>	
<b>Police Witness 2</b>	<b>Signature</b>	<b>Date</b>	
	<b>PSI</b>	<b>Time</b>	

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**Guidance to Relevant Person**

1.	Section 33 of the Criminal Justice (Scotland) Act 2016 states that a person who is 16 or 17 years old and who is not subject to a supervision order made by a Children's Hearing may only consent to be interviewed without having a lawyer present with the agreement of a person, known as a 'relevant person' who is named by them and who must be at least 18 years old.
2.	The suspect in custody has named you as a relevant person.
3.	They have intimated that they do not wish to have a lawyer present during an interview with police officers. Due to their age being 16 or 17, they need your agreement that their interview can proceed without a lawyer being present.
4.	Your decision will be recorded on this form which you will be asked to sign to record your decision.
5.	If you agree, the interview will go ahead without a lawyer being present. The suspect will be informed that they can change their mind about this at any time. If this happens, they will be allowed to have a lawyer present during interview.
6.	If you do not agree to allow an interview to go ahead without a lawyer being present, the suspect will be interviewed in the presence of a lawyer.
7.	This form and your opinion only relate to whether a lawyer is present during interview and not to any other matter.

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