



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 1

EMERGENCY PLACE OF SAFETY

31 Guidance

- (1) The Scottish Ministers—
 - (a) must issue guidance to the persons mentioned in subsection (3) about such matters relating to the exercise of the power conferred by section 28 as they consider appropriate, and
 - (b) may, from time to time, issue revised guidance.
- (2) Guidance under subsection (1) may in particular cover—
 - (a) what constitutes significant harm,
 - (b) the circumstances under which a constable may exercise the constable's power to take a child to a place of safety,
 - (c) co-operation between the persons mentioned in subsection (3) with a view to identifying (including in advance of any exercise of the power conferred by section 28) places within a particular area which are suitable for use as a place of safety for the purposes of section 28,
 - (d) processes to be put in place by those persons—
 - (i) to minimise the number of occasions on which it is not reasonably practicable to keep a child in a place of safety other than a police station,
 - (ii) to ensure that the need to safeguard and promote the wellbeing of the child being kept in a place of safety is treated as a primary consideration in accordance with section 72(2),

Changes to legislation: *Age of Criminal Responsibility (Scotland) Act 2019, Section 31 is up to date with all changes known to be in force on or before 09 April 2024. 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) View outstanding changes*

- (e) the keeping of a child who is being kept in a place of safety that is a police station in a cell.
- (3) The persons are—
- (a) the chief constable,
 - (b) local authorities.
- (4) A person mentioned in subsection (3) must have regard to guidance issued under subsection (1).
- (5) Before issuing guidance under subsection (1), the Scottish Ministers must consult—
- (a) the chief constable,
 - (b) each local authority,
 - (c) such other persons as they consider appropriate.

Modifications etc. (not altering text)

- C1** Pt. 4 applied (with modifications) (17.12.2021) by 2004 c. 20, s. 56B (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **19**)
- C2** Pt. 4 applied (with modifications) (17.12.2021) by 1987 c. 4, s. 2E (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **17**)
- C3** Pt. 4 applied (with modifications) (17.12.2021) by 2003 c. 20, s. 31B (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **18**)

Commencement Information

- I1** S. 31 in force at 31.3.2020 by [S.S.I. 2020/74](#), reg. 2, **sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1A) inserted by [2020 asp 13 sch. 5 para. 7\(8\)\(b\)](#)
- s. 20A inserted by [2020 asp 13 sch. 5 para. 7\(9\)](#)