



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 3

CRIMINAL PROCEDURE

Children

52 Prosecution of children

- (1) The 1995 Act is amended as follows.
- (2) After section 41 insert—

“41A Prosecution of children under 12

- (1) A child under the age of 12 years may not be prosecuted for an offence.
- (2) A person aged 12 years or more may not be prosecuted for an offence which was committed at a time when the person was under the age of 12 years.”.
- (3) In section 42 (prosecution of children), in subsection (1)—
 - (a) for “No child under the age of 16 years shall” substitute “ A child aged 12 years or more but under 16 years may not ”,
 - (b) for “his instance” substitute “ the instance of the Lord Advocate ”, and
 - (c) for “a child under the age of 16 years” substitute “ such a child ”.
- (4) In section 234AA (antisocial behaviour order), in subsection (2), paragraph (b) is repealed.

Commencement Information

II S. 52 in force at 28.3.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Children.