



# 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- (4) In section 234AA (antisocial behaviour order), in subsection (2), paragraph (b) is repealed.