

# **AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019**

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## **EXPLANATORY NOTES**

### **THE ACT: AN OVERVIEW**

3. The Act changes the age of criminal responsibility in Scotland from eight to 12 (see Part 1). Harmful behaviour by children aged eight to 11 will never, following the Act's implementation, be treated as commission of an offence, but will be responded to in a different way. This is already the case in relation to behaviour by children aged under eight.
4. In addition, the Act makes provision in connection with this change in the areas of:
  - disclosure of conviction and other information (Part 2),
  - provision of information to persons affected by harmful behaviour by children (Part 3), and
  - the powers of the police to deal with harmful behaviour by children (more specifically, powers in relation to removing to a place of safety a child aged under 12 who is engaging in behaviour that is harmful to others, powers in relation to search of children aged under 12 and powers in relation to the questioning of and taking of forensic samples from children in respect of pre-12 behaviour) (Part 4).
5. [Part 5](#) amends the Children's Hearings (Scotland) Act 2011 to ensure that the issue of whether any further reports are required is considered when a decision is being made on whether to defer a decision to a subsequent children's hearing.
6. [Part 6](#) requires a review of the operation of the Act to be carried out during the 3 years following the age of criminal responsibility being raised to 12.