

*These notes relate to the Age of Criminal Responsibility (Scotland)
Act 2019 (asp 7) which received Royal Assent on 11 June 2019*

AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019

EXPLANATORY NOTES

PART 4: POLICE INVESTIGATORY AND OTHER POWERS

Chapter 1: Emergency place of safety

Pre-existing law

90. Prior to implementation of this Act, where a child aged eight or over is behaving (or is likely to behave) in a way that is causing or risks causing significant harm to another person, a police constable may be able to arrest the child on suspicion that the child has committed (or is committing) an offence.¹ As a person who is arrested outwith a police station must be taken to a police station as quickly as reasonably practicable after the arrest², such an arrest would also have the immediate effect of removing the child to a place of safety.³

¹ Section 1(1) of the Criminal Justice (Scotland) Act 2016.

² Section 4 of that Act.

³ Part 1 of that Act also sets out what happens to an arrested person after this point.