

*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 4: Taking of prints and samples from certain children

Changes made by the Act: impact on pre-existing law of change in age of criminal responsibility

184. As a result of raising the age of criminal responsibility to 12, children between the ages of eight and 11 will no longer be covered by the provisions in Part 2 of the 1995 Act and so prints and samples cannot be taken from them under section 18(2), (6) or (6A). In addition, because the offence ground in section 67(2)(j) of the 2011 Act will no longer be applicable, sections 18E and 18F of the 1995 Act will also not apply to prints and samples taken from them.
185. Section 56 of the 2003 Act would still apply and allow prints and samples otherwise lawfully taken on a consent basis to be retained and used with the child's written consent.¹

¹ Or with written consent on behalf of the child.