



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 1

AGE OF CRIMINAL RESPONSIBILITY

1 Raising the age of criminal responsibility

For section 41 of the Criminal Procedure (Scotland) Act 1995 substitute—

“41 Age of criminal responsibility

A child under the age of 12 years cannot commit an offence.”.

Commencement Information

11 [S. 1](#) in force at 17.12.2021 by [S.S.I. 2021/449](#), [reg. 2](#)

2 Raising the age of criminal responsibility: consequential repeal and saving

- (1) Section 41A of the Criminal Procedure (Scotland) Act 1995 is repealed.
- (2) Despite that repeal, section 41A continues to have effect in relation to offences committed before the day on which this section comes into force.

Commencement Information

12 [S. 2](#) in force at 17.12.2021 by [S.S.I. 2021/449](#), [reg. 2](#)

3 No referral of child under 12 to children's hearing on offence ground

For the purposes of section 66(2)(a) (investigation and determination by Principal Reporter) of the Children's Hearings (Scotland) Act 2011 (the “2011 Act”), the

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, PART 1 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Principal Reporter may not determine that the ground in section 67(2)(j) (the offence ground) applies where the child—

- (a) committed the offence before the day on which section 1 came into force, and
- (b) was under 12 years of age when the offence was committed.

Commencement Information

I3 S. 3 in force at 29.11.2019 by S.S.I. 2019/349, reg. 2(a) (with reg. 3)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1A) inserted by [2020 asp 13 sch. 5 para. 7\(8\)\(b\)](#)
- s. 20A inserted by [2020 asp 13 sch. 5 para. 7\(9\)](#)