



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 1

EMERGENCY PLACE OF SAFETY

31 Guidance

- (1) The Scottish Ministers—
 - (a) must issue guidance to the persons mentioned in subsection (3) about such matters relating to the exercise of the power conferred by section 28 as they consider appropriate, and
 - (b) may, from time to time, issue revised guidance.
- (2) Guidance under subsection (1) may in particular cover—
 - (a) what constitutes significant harm,
 - (b) the circumstances under which a constable may exercise the constable's power to take a child to a place of safety,
 - (c) co-operation between the persons mentioned in subsection (3) with a view to identifying (including in advance of any exercise of the power conferred by section 28) places within a particular area which are suitable for use as a place of safety for the purposes of section 28,
 - (d) processes to be put in place by those persons—
 - (i) to minimise the number of occasions on which it is not reasonably practicable to keep a child in a place of safety other than a police station,
 - (ii) to ensure that the need to safeguard and promote the wellbeing of the child being kept in a place of safety is treated as a primary consideration in accordance with section 72(2),

Status: *This is the original version (as it was originally enacted).*

- (e) the keeping of a child who is being kept in a place of safety that is a police station in a cell.
- (3) The persons are—
 - (a) the chief constable,
 - (b) local authorities.
- (4) A person mentioned in subsection (3) must have regard to guidance issued under subsection (1).
- (5) Before issuing guidance under subsection (1), the Scottish Ministers must consult—
 - (a) the chief constable,
 - (b) each local authority,
 - (c) such other persons as they consider appropriate.