



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 3

QUESTIONING OF CERTAIN CHILDREN

Planning and conduct of investigative interviews

53 Information to be provided to child

- (1) This section applies where an investigative interview of a child is authorised—
 - (a) by virtue of section 40(2), or
 - (b) by a child interview order made in respect of the child.
- (2) Before the start of the investigative interview, the person conducting the interview must ensure that—
 - (a) the child is provided with the information mentioned in subsection (3), and
 - (b) the information is explained to the child.
- (3) The information is information about—
 - (a) the behaviour to which the interview relates,
 - (b) the purpose of the interview,
 - (c) the child's rights in relation to the interview (including the child's right not to answer questions), and
 - (d) what may happen as a result of the interview.
- (4) Where the investigative interview is authorised by virtue of section 40(2), the person conducting the interview must also ensure that the information mentioned in section 41(2) is provided to—

Changes to legislation: *Age of Criminal Responsibility (Scotland) Act 2019, Section 53 is up to date with all changes known to be in force on or before 06 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*

- (a) the child, and
- (b) the parent who has given agreement under section 40(1)(c)(ii).

(5) Information provided under subsections (2)(a) and (4)(a) must be provided in a format appropriate to the child's age and maturity.

Modifications etc. (not altering text)

- C1** Pt. 4 applied (with modifications) (17.12.2021) by 2004 c. 20, s. 56B (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **19**)
- C2** Pt. 4 applied (with modifications) (17.12.2021) by 1987 c. 4, s. 2E (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **17**)
- C3** Pt. 4 applied (with modifications) (17.12.2021) by 2003 c. 20, s. 31B (as inserted by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **18**)

Commencement Information

- I1** S. 53 in force at 17.12.2021 by [S.S.I. 2021/449](#), **reg. 2**

Changes to legislation:

Age of Criminal Responsibility (Scotland) Act 2019, Section 53 is up to date with all changes known to be in force on or before 06 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.

[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\(9\)](#)