



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 5

GENERAL PROVISIONS

74 Additional powers and duties of constables

- (1) This section applies where a constable—
 - (a) is authorised to take a child to a place of safety and to keep the child there by virtue of section 28,
 - (b) is authorised to carry out a search by an order under section 36,
 - (c) is authorised to carry out an investigative interview of a child by a child interview order,
 - (d) is authorised to question a child by virtue of section 54,
 - (e) is authorised to take relevant physical data or relevant samples from a child—
 - (i) by an order under section 63, or
 - (ii) by virtue of section 69.
- (2) The authorisation mentioned in subsection (1) includes authorisation to use reasonable force.
- (3) Subsections (4) to (6) apply where a constable is authorised—
 - (a) to use reasonable force under subsection (2), or
 - (b) to carry out a search by virtue of section 33 and the enactment under which the search may be carried out authorises the constable to use reasonable force (however expressed).

Changes to legislation: *Age of Criminal Responsibility (Scotland) Act 2019, Section 74 is up to date with all changes known to be in force on or before 19 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*

- (4) A constable, before deciding to use reasonable force in relation to a child under 12 years of age, must take all reasonable steps to seek and obtain the cooperation of the child.
- (5) A constable may use reasonable force in relation to a child under 12 years of age only as a last resort.
- (6) Where a constable resorts to the use of reasonable force in relation to a child under 12 years of age, the constable must—
 - (a) use no more force than is absolutely necessary, and
 - (b) in so far as is reasonably practicable, explain to the child why the constable considers force must be used.

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. 74 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 74 is up to date with all changes known to be in force on or before 19 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\(9\)](#)