



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).

Status: This is the original version (as it was originally enacted).

- (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.