

Age of Criminal Responsibility (Scotland) Act 2019

AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019

PART 1

AGE OF CRIMINAL RESPONSIBILITY

- 1 Raising the age of criminal responsibility
- Raising the age of criminal responsibility: consequential repeal and saving
- 3 No referral of child under 12 to children's hearing on offence ground

PART 2

DISCLOSURE OF CONVICTIONS AND OTHER INFORMATION RELATING TO TIME WHEN PERSON UNDER 12

CHAPTER 1

DISCLOSURE OF CONVICTIONS ETC.

Pre-12 convictions etc. not be treated as convictions

4 Amendment of the Rehabilitation of Offenders Act 1974

Disclosure of information about relevant behaviour

- 5 Disclosure of information about convictions etc. relating to time when person under 12
- 6 Disclosure of information about relevant behaviour: judicial proceedings
- 7 Disclosure of information about relevant behaviour: non-judicial proceedings
- 8 Disapplication of sections 6 and 7
- 9 Further limitations on sections 6 and 7

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019 is up to date with all changes known to be in force on or before 24 February 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)

CHAPTER 2

INDEPENDENT REVIEW OF DISCLOSURE OF INFORMATION

Limitation on disclosure of information

10 Disclosure of information relating to time when person under 12

Appointment of independent reviewer

- 11 Independent reviewer
- 12 Period and terms of appointment
- 13 Administrative support

Review of information prior to disclosure

- 14 Referral of information to independent reviewer
- 15 Notification of referral under section 14
- 16 Notification to applicant or scheme member
- 17 Provision of information to the independent reviewer
- 18 Review of information referred under section 14
- 19 Notification of determination
- 20 Appeal against determination under section 18

General functions of independent reviewer

- 21 Annual report and recommendations
- 22 Guidance
- 23 Regulation of procedure for review
- 24 Modifications of the functions of the independent reviewer

CHAPTER 3

GENERAL PROVISIONS

- 25 Amendments consequential on Chapter 2
- 26 Interpretation of Part 2

PART 3

VICTIM INFORMATION

27 Provision of information to persons affected by child's behaviour

PART 4

POLICE INVESTIGATORY AND OTHER POWERS

CHAPTER 1

EMERGENCY PLACE OF SAFETY

- 28 Power to take child under 12 to place of safety
- 29 List of places of safety
- 30 Place of safety: regulations
- 31 Guidance
- 32 Reports on use of places of safety

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019 is up to date with all changes known to be in force on or before 24 February 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)

CHAPTER 2

SEARCH OF CHILDREN UNDER 12

Search without warrant

33 Search of child under 12 without warrant under existing enactment

Search under order

- 34 Application for order authorising search in relation to child under 12
- 35 Consideration of application for order under section 36
- 36 Order authorising search in relation to child under 12
- 37 Notification of order under section 36
- 38 Appeal against decision under section 36

CHAPTER 3

QUESTIONING OF CERTAIN CHILDREN

Limitation on police questioning

39 Limitation on police questioning of certain children

Investigative interview by agreement

- 40 Investigative interview by agreement
- 41 Information to be provided following agreement to investigative interview

Child interview order

- 42 Application for child interview order
- 43 Consideration of application for child interview order
- 44 Child interview order
- 45 Notification of child interview order
- 46 Appeal against decision under section 44

Planning and conduct of investigative interviews

- 47 Planning of investigative interview
- 48 Conduct of investigative interview
- 49 Right not to answer questions
- 50 Right to have supporter present
- 51 Right to have child interview rights practitioner present
- 52 Child not to be questioned while unaccompanied
- 53 Information to be provided to child

Questioning in urgent cases

- 54 Questioning of child in urgent cases
- 55 Procedure following authorisation of questioning under section 54

Register of child interview rights practitioners

56 Register of child interview rights practitioners

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019 is up to date with all changes known to be in force on or before 24 February 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)

Guidance

57 Guidance

CHAPTER 4

TAKING OF PRINTS AND SAMPLES FROM CERTAIN CHILDREN

Limitation on taking of prints and samples

- 58 Limitation on taking prints and samples from children under 12
- 59 Limitation on taking prints and samples from children aged 12 and over
- 60 Key definitions

Order authorising taking of prints and samples

- 61 Application for order authorising taking of prints and samples from child
- 62 Consideration by sheriff of application for order under section 63
- 63 Order authorising taking of prints and samples from child
- Notification of order under section 63
- 65 Taking of intimate samples
- 66 Destruction of prints and samples taken under section 63
- 67 Appeal against decision under section 63
- 68 Treatment of prints and samples where appeal taken against making of order under section 63

Taking of prints and samples in urgent cases

- 69 Taking of prints and samples in urgent cases
- 70 Procedure following taking of prints and samples under section 69

Destruction of prints and samples taken with consent

71 Destruction of prints and samples taken from children aged 12 and over with consent

CHAPTER 5

GENERAL PROVISIONS

- Wellbeing of child
- 73 Children's legal aid for proceedings under this Part
- 74 Additional powers and duties of constables
- 75 Offences
- 76 Interpretation of Part 4

PART 5

CHILDREN'S HEARINGS: DUTY TO CONSIDER NEED FOR FURTHER REPORTS

77 Children's hearings: duty to consider need for further reports

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019 is up to date with all changes known to be in force on or before 24 February 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)

PART 6

REVIEW OF AGE OF CRIMINAL RESPONSIBILITY

- 78 Review of age of criminal responsibility
- 79 Provision of information

PART 7

FINAL PROVISIONS

- 80 Interpretation
- 81 Civil jurisdiction of summary sheriffs
- 82 Regulation-making powers
- 83 Ancillary provision
- 84 Commencement
- 85 Short title

Status:

Point in time view as at 12/06/2019.

Changes to legislation:

Age of Criminal Responsibility (Scotland) Act 2019 is up to date with all changes known to be in force on or before 24 February 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.