



# Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

## PART 1

### AGE OF CRIMINAL RESPONSIBILITY

#### **1 Raising the age of criminal responsibility**

For section 41 of the Criminal Procedure (Scotland) Act 1995 substitute—

**“41 Age of criminal responsibility**

A child under the age of 12 years cannot commit an offence.”.

#### **2 Raising the age of criminal responsibility: consequential repeal and saving**

- (1) Section 41A of the Criminal Procedure (Scotland) Act 1995 is repealed.
- (2) Despite that repeal, section 41A continues to have effect in relation to offences committed before the day on which this section comes into force.

#### **3 No referral of child under 12 to children’s hearing on offence ground**

For the purposes of section 66(2)(a) (investigation and determination by Principal Reporter) of the Children’s Hearings (Scotland) Act 2011 (the “2011 Act”), the Principal Reporter may not determine that the ground in section 67(2)(j) (the offence ground) applies where the child—

- (a) committed the offence before the day on which section 1 came into force, and
- (b) was under 12 years of age when the offence was committed.