
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the provisions of the Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”) on 31 March 2020 listed in the schedule. These provisions relate to:

- Section 22 – issuing guidance in relation to the exercise of functions by the independent reviewer concerning disclosure of information,
- Section 23 – making regulations about the procedure for review by the independent reviewer under part 2 of the Act,
- Section 24 – making regulations to modify the functions of the independent reviewer,
- Section 29 – allowing the Scottish Ministers to compile and maintain a list of places of safety to be used under part 4 of the Act,
- Section 30 – allowing the Scottish Ministers to make regulations about children taken to and kept in a place of safety under section 28 of the Act,
- Section 31 – issuing guidance relating to the exercise of the power under section 28 of the Act,
- Section 32 – placing a requirement on the Scottish Ministers to publish reports on the use of places of safety under section 28 of the Act,
- Section 33(4) - allowing the Scottish Ministers to make regulations which specify enactments to which section 33 (search of a child under 12 without warrant under existing enactment) is not to apply,
- Section 56(3) and (4) - allowing the Scottish Ministers to make regulations in connection with child interview rights practitioners,
- Section 57 – allowing the Scottish Ministers to issue guidance in connection with the questioning of children by the police,
- Sections 60(6) - allowing the Scottish Ministers to make regulations to modify the definitions of “relevant physical data”, “relevant sample” and “intimate sample”,
- Sections 65(2)(b)(iii), 65(3) – allowing the Scottish Ministers to make regulations regarding the meaning of “registered health care professional”,
- Section 66(9) - allowing the Scottish Ministers to make regulations in connection with the destruction of prints and samples,
- Section 73 - amending the Legal Aid (Scotland) Act 1986 to insert new provision for legal aid in respect of certain proceedings under part 4 of the Act,
- Section 80 - making interpretative provision for part 4 of the Act,
- Section 81 - amending the Courts Reform (Scotland) Act 2014 to include proceedings under the Act,
- Section 82 - making provision on the procedure to be followed in respect of regulation-making powers under the Act, and
- Section 83 - making ancillary provision.

These are the second Commencement Regulations in respect of the Act.