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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 74 (C. 7)**

**CHILDREN AND YOUNG PERSONS**

**The Age of Criminal Responsibility (Scotland) Act  
2019 (Commencement No. 2) Regulations 2020**

<i>Made</i>	- - - -	<i>10th March 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>12th March 2020</i>
<i>Coming into force</i>	- -	<i>31st March 2020</i>

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 84(2) of the Age of Criminal Responsibility (Scotland) Act 2019<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Age of Criminal Responsibility (Scotland) Act 2019 (Commencement No. 2) Regulations 2020 and come into force on 31 March 2020.

(2) In these Regulations “the Act” means the Age of Criminal Responsibility (Scotland) Act 2019.

**Appointed day**

2.—(1) 31 March 2020 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the schedule.

(2) The subject matter of each provision of the Act specified in column 1 is listed in column 2 of the schedule.

St Andrew’s House,  
Edinburgh  
10th March 2020

*MAREE TODD*  
Authorised to sign by the Scottish Ministers

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(1) 2019 asp 7.

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## SCHEDULE

Regulation 2(1)

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 22	Independent reviewer - guidance
Section 23	Independent reviewer – regulation of procedure for review
Section 24	Independent reviewer – regulations modifying functions
Section 29	List of places of safety
Section 30	Place of safety – regulations
Section 31	Place of safety – guidance
Section 32	Place of safety – reports on use
Section 33(4)	Search of child under 12 - regulations
Section 56(3) and (4)	Child interview rights practitioners - regulations
Section 57	Child questioning and interviewing - guidance
Section 60(6)	Modification of key definitions - regulations
Section 65(2)(b)(iii) and 65(3)	Taking of intimate samples by prescribed individuals – regulations
Section 66(9)	Destruction of prints or samples taken under section 63 – regulations
Section 73	Children’s legal aid for proceedings under part 4 (police investigatory and other powers) regulations
Section 80	Interpretation
Section 81	Civil jurisdiction of summary sheriffs
Section 82	Regulation-making powers
Section 83	Ancillary provision

**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,

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- 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.

#### **NOTE AS TO EARLIER COMMENCEMENT REGULATIONS**

*(This note is not part of the Regulations)*

The Act received Royal Assent on 11 June 2019. Sections 84 and 85 of the Act came into force on the following day. The first Commencement Regulations, the Age of Criminal Responsibility (Scotland) Act 2019 (Commencement No. 1 and Transitory Provision) Regulations 2019 was made on 29 October 2019 and came into force on 29 November 2019.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3 and 27	29 November 2019	2019/349

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