

*These notes relate to the Age of Criminal Responsibility (Scotland)
Act 2019 (asp 7) which received Royal Assent on 11 June 2019*

AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019

EXPLANATORY NOTES

PART 4: POLICE INVESTIGATORY AND OTHER POWERS

Chapter 3: Questioning of certain children

Changes made by the Act: impact on pre-existing law of change in age of criminal responsibility

146. The fact that children aged eight to 11 will no longer be able to commit an offence means that constables will no longer have statutory powers to arrest and question such children under the 2016 Act. In relation to questioning by the police, therefore, the change in the age of criminal responsibility places children aged eight to 11 in the same position as children aged under eight are in currently (as described above) – subject to the changes made by this Chapter of the Act.