

2021 No. 421

CHILDREN AND YOUNG PERSONS

The Age of Criminal Responsibility (Scotland) Act 2019 (Places of Safety) Regulations 2021

<i>Made</i>	- - - -	<i>16th November 2021</i>
<i>Laid before the Scottish Parliament</i>		<i>18th November 2021</i>
<i>Coming into force</i>	- -	<i>17th December 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 30(1) of the Age of Criminal Responsibility (Scotland) Act 2019(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Age of Criminal Responsibility (Scotland) Act 2019 (Places of Safety) Regulations 2021 and come into force on 17 December 2021.

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

Information to be recorded by police

2. There must be recorded in relation to any use by a constable of the power in section 28(2) of the Act (power to take child to and keep them in a place of safety)—

- (a) the nature and circumstances of the incident giving rise to the use of the power,
- (b) the nature of the evidence that the child was behaving or was likely to behave in a way that caused or risked causing significant harm to another person,
- (c) the nature and location of each place of safety used,
- (d) the dates and times at which the child arrived at each place of safety,
- (e) the dates and times at which the child left each place of safety, except for a place of safety which was the home of a family member or friend of the child,
- (f) if the child was kept at any time in a place of safety which was a police station, the reasons why it was not considered reasonably practicable to keep the child in a place of safety other than a police station at that time,
- (g) if the child was kept at any time in a cell within a police station—
 - (i) the reasons why it was not considered reasonably practicable for the child to be kept elsewhere within the police station at that time,

(a) 2019 asp 7.

(ii) the length of time for which the child was so kept.

St Andrew's House,
Edinburgh
16th November 2021

CLARE HAUGHEY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the information which must be recorded where a child is taken to and kept in a place of safety by a constable under section 28(2) of the Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”). The records created in accordance with regulation 2 may be drawn on by the Scottish Ministers to compile the reports on the use of the place of safety power which are required by section 32 of the Act (Section 84 of the Police and Fire Reform (Scotland) Act 2012 enables the Scottish Ministers to obtain information from the Scottish Police Authority about the exercise of police functions, and also provides for the Authority to obtain such information from the chief constable).

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