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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

**The Age of Criminal Responsibility (Scotland) Act 2019  
(Consequential Provisions and Modifications) Order 2021**

**PART 3**

Police powers etc.

*Exercise of functions by constables and members of non-territorial police organisations*

**Application of 2019 Act to non-territorial forces**

**19.** After section 56A of the Energy Act 2004<sup>(1)</sup> insert—

**“56B. Exercise of functions in relation to children under the Scottish age of criminal responsibility**

(1) The following apply, in Scotland, in relation to a member of the Constabulary as they apply in relation to a constable of the Police Service of Scotland—

- (a) Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019 (in this section, “the 2019 Act”),
- (b) any regulations made or guidance issued under that Part.

(2) Subsections (3) to (6) make further provision in relation to the application of Part 4 of the 2019 Act to members of the Constabulary.

(3) References in Part 4 of the 2019 Act (however expressed) to constables of a particular rank are to be read, in relation to action taken or proposed to be taken by a member of the Constabulary, as references to a member of the Constabulary of the rank referred to.

(4) References in the following sections of the 2019 Act to the chief constable are to be read as including reference to the chief constable of the Constabulary—

- (a) section 29(2)(a),
- (b) section 31(3)(a) and (5)(a),
- (c) section 57(4)(a).

(5) The reference in section 33(1) of the 2019 Act to an enactment includes reference to an enactment which confers a power of the type described in that section on members of the Constabulary (whether or not the enactment also confers that power on constables of the Police Service of Scotland).

(6) The reference in section 75(2) of the 2019 Act to a constable is to be read as including reference to a member of the Constabulary.”.

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(1) 2004 c. 20; section 56A was added by S.I. 2018/46, Schedule 2, paragraph 3.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021 No. 1458*

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