

Draft Regulations laid before the Scottish Parliament under section 82(3)(d) of the Age of Criminal Responsibility (Scotland) Act 2019 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

CHILDREN AND YOUNG PERSONS

**The Age of Criminal Responsibility (Reports on Use
of Places of Safety) (Scotland) Regulations 2022**

Made - - - - 2022
Coming into force - - 10th October 2022

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 32(1)(a) of the Age of Criminal Responsibility (Scotland) Act 2019⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 82(3)(d) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Age of Criminal Responsibility (Reports on Use of Places of Safety) (Scotland) Regulations 2022 and come into force on 10 October 2022.

(2) In these Regulations—

“the Act” means the Age of Criminal Responsibility (Scotland) Act 2019, and

“the power” means the power of a constable contained in section 28 of the Act to take a child under the age of 12 to a place of safety.

Specified information

2. A report prepared by the Scottish Ministers under section 32(1)(a) of the Act is to contain the following information—

(a) the number of times the power was used during each month of the reporting period⁽²⁾,

(b) in respect of each occasion on which the power was used during the reporting period—

(i) the nature of the behaviour or likely behaviour which was considered to be causing or risk causing significant harm to another person,

(1) 2019 asp 7.

(2) “Reporting period” is defined in section 32(2) of the Act.

- (ii) the length of time for which the child was kept at each place of safety used,
- (c) the number of times during the reporting period each type of place of safety listed in section 28(11) of the Act was used,
- (d) in respect of each occasion on which the power was used to keep a child 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,
- (e) in respect of each occasion on which the power was used to keep a child in a cell within a police station, the length of time for which the child was so kept.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the information to be included in reports to be prepared by the Scottish Ministers under section 32(1)(a) of the Age of Criminal Responsibility (Scotland) Act 2019 about the exercise of the place of safety power contained in section 28 of that Act. Such a report must be prepared in respect of each “reporting period”, as defined in section 32(2) of that Act. The first reporting period is the period of one year beginning on 17 December 2021. The first report must be prepared, laid before the Scottish Parliament and published as soon as reasonably practicable after the end of that period.

A Business and Regulatory Impact Assessment, Child Rights and Wellbeing Impact Assessment and Equality Impact Assessment have been prepared and will shortly be placed in the Scottish Parliament Information Centre. These will also be available at <https://www.gov.scot/publications/>.