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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 349 (C. 17)**

**CHILDREN AND YOUNG PERSONS**

**The Age of Criminal Responsibility (Scotland)  
Act 2019 (Commencement No. 1 and  
Transitory Provision) Regulations 2019**

*Made* - - - - 29th October 2019  
*Laid before the Scottish  
Parliament* - - - - 31st October 2019  
*Coming into force* - - 29th November 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 84(2) and (3) of the Age of Criminal Responsibility (Scotland) Act 2019(1).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Age of Criminal Responsibility (Scotland) Act 2019 (Commencement No. 1 and Transitory Provision) Regulations 2019 and come into force on 29 November 2019.

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

**Appointed day**

2. Subject to regulation 3, 29 November 2019 is the day appointed for the coming into force of the following provisions in the Act—

- (a) section 3 (no referral of child under 12 to children’s hearing on offence ground),
- (b) section 27 (provision of information to persons affected by child’s behaviour).

**Transitory Provision**

3. Until such time as section 1 of the Act is commenced (raising the age of criminal responsibility), paragraph (a) of section 3 of the Act is to be read as if “before the day on which section 1 came into force” was omitted.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
29th October 2019

*MAREE TODD*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

These Regulations bring sections 3 and 27 of the Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”) into force on 29 November 2019. They also make transitory provision in relation to section 3 of the Act.

Regulation 2 appoints 29 November 2019 as the day appointed for the coming into force of sections 3 (no referral of child under 12 to children’s hearing on offence ground) and 27 (provision of information to persons affected by child’s behaviour) of the Act.

Regulation 3 makes a transitory provision in relation to the application of section 3 of the Act in respect of referrals to a children’s hearing. That provision has effect until section 1 of the Act is commenced and prohibits referrals to a children’s hearing on the grounds of commission of an offence where the child was under 12 years of age when the offence was committed.

The Bill for the Act received Royal Assent on 11 June 2019. Sections 84 and 85 of the Act came into force on the following day.