

# **The Age of Criminal Responsibility (Scotland) Act 2019 (Supplementary Provision) (Jurisdiction) Regulations 2021**

**CRWIA Stage 1**

**December 2021**



**Scottish Government**  
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## CRWIA Stage 1

### [Screening](#) - key questions

(Hyperlink will only work within SG)

#### 1. Name the policy, and describe its overall aims.

The Age of Criminal Responsibility (Scotland) Act 2019 (Supplementary Provision) (Jurisdiction) Regulations 2021 (“the Regulations”)

#### 2. What aspects of the policy/measure will affect children and young people up to the age of 18?

Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”) will enable Police Scotland to apply to court for orders enabling them to:

- Search a child
- Conduct an investigative interview of a child
- Take physical data and samples from a child

Such orders will only be sought in relation to the most serious cases, and Police Scotland will be able to seek them only in relation to children either under the age of criminal responsibility in terms of the Act (that is to say, under 12 years old), or who were under that age when the act being investigated took place.

The Regulations make provision for determining which court has jurisdiction to entertain applications for orders under Part 4 of the Act. In essence, it provides a legislative framework for enabling an administrative decision to be made on the appropriate court for this particular type of application.

#### 3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

The Regulations will indirectly and nominally impact on children under the age of 12 in relation to whom Police Scotland seek an order under the Act in that they will determine which court will make the determination on the order. However, the primary impact on children stems from the ability of Police Scotland to seek an order under provisions in the Act, rather than the jurisdiction provisions in these Regulations.

#### 4. Which groups of children and young people will be affected?

A child is under 12 years old can be the subject of an application for an order under Part 4. In addition, a child or young person who is over that age may similarly be the subject of such an application in relation to an act which took place while they were under 12 years old. Again, these implications stem from provisions in the Act rather than these Regulations.

#### 5. Will this require a CRWIA?

A CRWIA is not required for these Regulations, given their subject matter as described above.

However, we note that these news types of court order are capable of having an impact on children and young people, and note a detailed CRWIA was published in relation to the Bill which became the Act ([Age of Criminal Responsibility \(Scotland\) Bill: children's rights and wellbeing impact assessment - gov.scot \(www.gov.scot\)](#)). This examines the impact for children and young people of the provisions in Part 4 which enable such orders to be obtained.

## CRWIA Declaration

Tick relevant section, and complete the form.

### CRWIA required

### CRWIA not required

✓

## Authorisation

### Policy lead

Sarah Meanley, Policy Manager, Police Powers team

### Date

15 November 2021

### Deputy Director or equivalent

Don McGillivray, Director, Safer Communities

### Date

**18 November 2021**



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