



The Scottish Parliament
Pàrlamaid na h-Alba

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Equalities, Human Rights and Civil Justice Committee

The Age of Criminal Responsibility (Reports on Use of Places of Safety) (Scotland) Regulations 2022 [draft]



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Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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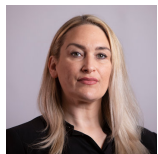
Committee Membership



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Scottish National Party



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Maggie Chapman
Scottish Green Party



Karen Adam
Scottish National Party



Pam Duncan-Glancy
Scottish Labour



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Scottish Conservative
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Rachael Hamilton
Scottish Conservative
and Unionist Party



Fulton MacGregor
Scottish National Party

Introduction

1. At its meeting on 20 September 2022, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
 - [The Age of Criminal Responsibility \(Reports on Use of Places of Safety\) \(Scotland\) Regulations 2022 \[draft\]](#)
2. The instrument is subject to the affirmative procedure (Rule 10.6).

The Age of Criminal Responsibility (Reports on Use of Places of Safety) (Scotland) Regulations 2022 [draft]

3. The draft SSI was laid before the Scottish Parliament on 9 June 2022 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The purpose of this instrument is to specify the information to be included in reports on the use of the place of safety power contained in section 28 of the Act, which are to be prepared by the Scottish Ministers under section 32 of the Act.
5. 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.
6. The policy objective of section 32 is to ensure the Scottish Parliament are sighted on the use of the section 28 power. A number of concerns were raised about the section 28 power as the Bill made its way through Parliament, and this instrument will ensure the Scottish Parliament are able to monitor the use of the power effectively.

Delegated Powers and Law Reform Committee consideration

7. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [21 June 2022](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Equalities, Human Rights and Civil Justice Committee consideration

8. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the instrument should be approved.
 9. The Minister for Children and Young People ("the Minister"), Clare Haughey MSP, has, by motion [S6M-04890](#) proposed that the Committee recommends the approval of the instrument.
 10. The Committee took evidence from the Minister at its meeting on 20 September 2022.
 11. Following the evidence session, the Minister moved motion S6M-04890—That the Equalities, Human Rights and Civil Justice Committee recommends that The Age of Criminal Responsibility (Reports on Use of Places of Safety) (Scotland) Regulations 2022 [draft] be approved.
 12. The motion was agreed to without division or dissent.
13. The Equalities, Human Rights and Civil Justice Committee recommends to the Scottish Parliament that the Age of Criminal Responsibility (Reports on Use of Places of Safety) (Scotland) Regulations 2022 [draft] be approved.

