SCOTTISH STATUTORY INSTRUMENTS

2025 No. 115 (C. 12)

CHILDREN AND YOUNG PERSONS

The Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 2) Regulations 2025

Made - - - -	*22nd April 2025*
Laid before the Scottish Parliament	*24th April 2025*
Coming into force - -	*5th May 2025*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 38(3) of the Children (Care and Justice) (Scotland) Act 2024(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 2) Regulations 2025 and come into force on 5 May 2025.

(2) In these Regulations—

(a) "the Act" means the Children (Care and Justice) (Scotland) Act 2024,

(b) "the 1995 Act" means the Criminal Procedure (Scotland) Act 1995(**b**).

Appointed day

2.—(1) 5 May 2025 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 1 (age of referral to children's hearing), for the purpose of its application to—

(i) sections 44, 51, 205, 207, 208, 208A and 216 of the 1995 Act, as amended or, as the case may be, inserted by sections 18 and 19 of the Act,

(ii) section 245A of the 1995 Act, as amended by paragraph 10(3) of Part 5 of the schedule of the Act(**c**),

(b) section 12 (meaning of "child"), for the purpose of its application to—

(i) sections 44, 51, 205, 207, 208, 208A and 216 of the 1995 Act, as amended or, as the case may be, inserted by sections 18 and 19 of the Act,

(ii) section 245A of the 1995 Act, as amended by paragraph 10(3) of Part 5 of the schedule of the Act,

(c) section 32 (named person and child's plan),

(d) section 34 (review of Act),

(**a**) 2024 asp 5. The regulation-making power conferred by section 38(3) of the Children (Care and Justice) (Scotland) Act 2024 ("the Act") includes the power to make different provision for different purposes by virtue of section 38(4).

(**b**) 1995 c. 46 as relevantly amended by sections 18 and 19, and paragraph 10(3) of Part 5 of the schedule, of the Act.

(**c**) Sections 18 and 19 and Part 5 of the schedule of the Act were commenced on 28 August 2024 by S.S.I. 2024/211.

(e) section 37 (modification of enactments), for the purpose of its introduction of Part 9 of the schedule of the Act,

(f) in the schedule (minor and consequential modifications), Part 9 (named person and child's plan).

(2) 1 September 2025 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 25 (standards for provision of secure transportation),

(b) section 28(1), (3) and (5) (regulation of care services providing residential accommodation to children),

(c) section 29 (cross-border placements: effect of orders made outwith Scotland),

(d) section 30 (regulation of cross-border placements),

(e) section 37 (modification of enactments), for the purpose of its introduction of paragraph 27 of Part 8 of the schedule of the Act,

(f) in the schedule (minor and consequential modifications), paragraph 27 (amendment of the Cross-Border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022(**a**)) of Part 8 (secure accommodation).

NATALIE DON-INNES
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
22nd April 2025

(**a**) S.S.I. 2022/225.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Children (Care and Justice) (Scotland) Act 2024 ("the Act").

Regulation 2(1) appoints 5 May 2025 for the coming into force of sections 1 (for a limited purpose), 12 (for a limited purpose), 32, 34 and 37 (for a limited purpose) and Part 9 of the schedule of the Act.

Sections 1 and 12 of the Act are commenced for the purpose of their application to:

- Sections 44, 51, 205, 207, 208, 208A and 216 of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act"), including as those provisions were amended by sections 18 and 19 of the Act. Those provisions of the 1995 Act, as amended, concern the detention of children, whether on summary conviction or conviction on indictment, or their remand or committal for trial, for example, in secure accommodation.
- Section 245A of the 1995 Act, as amended by paragraph 10(3) of part 5 of the schedule of the Act. Section 245A empowers a court to make a restriction of liberty order restricting an offender's movements to such extent as the court thinks fit where a person is convicted of an offence punishable by imprisonment other than an offence the sentence of which is fixed by law. Where the offender is a child, the court must, before making such an order, obtain a report from the local authority in whose area the child resides concerning the services to be provided for the support and rehabilitation of the child during the period of any order.

For the purposes of the above provisions of the 1995 Act, as so amended, a child means a person under the age of 18 years.

Regulation 2(2) appoints 1 September 2005 for the coming into force of sections 25, 28(1), (3) and (5), 29, 30 and 37 (for a limited purpose) and paragraph 27 of Part 8 of the schedule of the Act.

Section 37 is commenced for the purpose of its application to the modification of the enactments in paragraph 27 of Part 8 and Part 9 of the schedule of the Act.

The Bill for the Act received Royal Assent on 4 June 2024. Sections 35, 36, 38 and 39 came into force the following day. Section 33 came into force on 16 July 2024.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Regulations)

The following provisions were commenced by The Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 1 and Transitional Provision) Regulations 2024 on 28 August 2024:

- section 1 (age of referral to children's hearing), for the purpose of its application to the amendments to the 1995 Act made by sections 18 and 19 of the Act,
- section 12 (meaning of "child"), for the purpose of its application to the amendments to the 1995 Act made by sections 18 and 19 of the Act,
- section 18 (remand and committal of children before trial or sentence),
- section 19 (detention of children on conviction),
- section 21 (meanings of "young offenders institution" and "young offender"),
- section 22 (abolition of remand centres),
- section 23 (duty of local authority to provide residential establishments for detained children),
- section 24 (children detained in secure accommodation to be treated as "looked after" children),

- section 37 (modification of enactments), for the purpose of its application to the modification of the enactments in Parts 5, 6 and 7 of the schedule of the Act,
- in the schedule (minor and consequential modifications)—
  (i) Part 5 (criminal procedure: miscellaneous modifications),
  (ii) Part 6 (abolition of remand centres),
  (iii) Part 7 (local authority duties in relation to detained children).

© Crown copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

£5.78

http://www.legislation.gov.uk/id/ssi/2025/115

ISBN 978-0-11-106273-9

9 780111 062739