SCOTTISH STATUTORY INSTRUMENTS

2025 No. 379 (C. 29)

CHILDREN AND YOUNG PERSONS

The Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 3) Regulations 2025

Made - - - -	*27th November 2025*
Laid before the Scottish Parliament	*2nd December 2025*
Coming into force - -	*15th December 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. 3) Regulations 2025 and come into force on 15 December 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) 15 December 2025 is the appointed day for the coming into force of section 9 of the Act (support for victims in children's hearings).

(2) 30 March 2026 is the appointed day 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 sections 50, 70B, 142 and 142A of the 1995 Act, as amended or, as the case may be, inserted by section 16 of the Act,

(b) section 12 (meaning of "child"), for the purpose of its application to sections 50, 70B, 142 and 142A of the 1995 Act, as amended or, as the case may be, inserted by section 16 of the Act,

(c) section 15 (custody of children before commencement of proceedings),

(**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 section 16 of the Act.

(d) section 16 (steps to safeguard welfare and safety of children in criminal proceedings).

NATALIE DON-INNES
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th November 2025

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 15 December 2025 for the coming into force of section 9 of the Act, which inserts a new section 179D into the Children's Hearings (Scotland) Act 2011 requiring the Scottish Ministers, by regulations, to make provision for or in connection with the provision of support services to victims in the children's hearings system.

Regulation 2(2) appoints 30 March 2026 for the coming into force of the following provisions of the Act:

- sections 1 and 12 of the Act, for the purpose of their application to sections 50, 70B, 142 and 142A of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act"), as amended or, as the case may be, inserted by section 16 of the Act,
- section 15, which amends the Criminal Justice (Scotland) Act 2016 in relation to the custody of children involved in criminal proceedings, and
- section 16, which amends the 1995 Act, to make provision for steps to safeguard the welfare and safety of children involved in criminal proceedings (solemn and summary).

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.

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 REGULATIONS

(This note is not part of the Regulations)

The following provisions came into force on 28 August 2024 (see S.S.I. 2024/211)—

- 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)—
  - — Part 5 (criminal procedure: miscellaneous modifications),
  - — Part 6 (abolition of remand centres),
  - — Part 7 (local authority duties in relation to detained children).

The following provisions came into force on 5 May 2025 (see S.S.I. 2025/115)—

- sections 1 (age of referral to children's hearing) and 12 (meaning of "child"), 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"), as amended or, as the case may be, inserted by sections 18 and 19 of the Act,
  - — section 245A of the 1995 Act, as amended by paragraph 10(3) of Part 5 of the schedule of the Act,
- section 32 (named person and child's plan),
- section 34 (review of Act),
- section 37 (modification of enactments), for the purpose of its introduction of Part 9 of the schedule of the Act,
- in the schedule (minor and consequential modifications), Part 9 (named person and child's plan).

The following provisions came into force on 1 September 2025 (see S.S.I. 2025/115)—

- section 25 (standards for provision of secure transportation),
- section 28(1), (3) and (5) (regulation of care services providing residential accommodation to children),
- section 29 (cross-border placements: effect of orders made outwith Scotland),
- section 30 (regulation of cross-border placements),
- section 37 (modification of enactments), for the purpose of its introduction of paragraph 27 of Part 8 of the schedule of the Act,
- in the schedule (minor and consequential modifications), paragraph 27 (amendment of the Cross-Border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022) of Part 8 (secure accommodation).

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