



Delegated Powers and Law Reform Committee

Lord Carloway
Lord President of the Court of Session
Via email

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Dear Lord Carloway

At its meeting on Tuesday, the Delegated Powers and Law Reform Committee considered the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules 1999 and Sheriff Appeal Court Rules Amendment) (Age of Criminal Responsibility (Scotland) Act 2019) 2021 (SSI 2021/452).

As you are aware, the Committee identified an error in the cross referencing in paragraph 3(2) and (3) of the instrument. Your office subsequently clarified in correspondence that the reference to section 44(3) of the 2019 Act should instead be to section 46(3) of that Act and it committed to rectifying the error at the earliest appropriate opportunity.

In its [report on the instrument](#), the Committee agreed to draw the SSI to the attention of the Parliament on the general reporting ground in respect of the incorrect cross-reference. It also welcomed the commitment by your office to rectifying the error at the earliest appropriate opportunity.

The Committee's report also highlighted that, in its covering letter to the instrument, your office had apologised for the short laying time, explaining this was—

“necessary to respond urgently to the Scottish Government's announcement that it intends to commence the relevant provisions of the 2019 Act on 17 December 2021.”

However, given that the Act was passed in 2019, the Committee agreed to seek clarification in relation to the circumstances which caused the instrument to be prepared and laid urgently. Specifically, the Committee is interested in whether there was any correspondence between your office and the Scottish Government providing

your office with advance notice that the relevant provisions of the 2019 Act were coming into force on 17 December 2021.

Full details of the Committee's discussion on the instrument can be found in the [Official Report of the meeting](#).

I would be grateful for a response by **Friday, 21 January 2022**.

Finally, please note I am writing in similar terms to the Scottish Government.

Yours sincerely

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee