

SASO\* GLASGOW BRANCH  
STRATHCLYDE POLICE HEADQUARTERS  
PITT STREET GLASGOW

6th November 2008

THE AGE OF CRIMINAL RESPONSIBILITY

Sheriff Rita Rae sent her apologies as she was on other legal business.

Co speaker Maggie Mellon had to cancel at the last moment due to flu.

Claire McDermid, Strathclyde University Law School agreed to speak on her own.

Claire started by telling us that she had been a panel member a few years ago in Glasgow for ten years. She gave a very interesting & educational talk.

Some of the things she spoke of were:-

- No child under the age of 8 can be guilty of any crime under S41 of the Criminal Procedure ( Scotland ) Act 1995
- Harsh punishments meted out to very young children right up to the 1800's
- The age of responsibility was made 7 and raised to 8 in 1932. In 1969 England and Wales raised the age to 10 but this was not done in Scotland ( due to hearing system?)
- Under 8's decreed not to have sufficient understanding and can't be referred to the hearing system on offence grounds.
- Though most 8 + get referred to hearing system more serious cases may with discussion between reporter and Procurator Fiscal be referred to court
- Anomalies between Age of consent for other things i.e. marriage, driving, buying alcohol
- Beijing Rules which have not been formally accepted in this country, believe that age of responsibility should be linked to other social rights and responsibilities
- UN Convention on Rights of the Child believe that 12 is the minimum
- Tests of Criminal Responsibility Media could jeopardise any debate on raising the age.
- Ireland recently raised the age to 12 with no hysterical press
- No international consensus on age but many are 17-18 Scandinavian countries 15.
- High age does not signify no intervention with high social work intervention

There were many questions and suggestions in the open debate. The whole subject was very thought provoking and certainly deserves to be debated on a wider basis.

A report compiled for SACP by Margaret Gaughan

\* The Scottish Association for the Study of Offending

