



# Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

## PART 2

### DISCLOSURE OF CONVICTIONS AND OTHER INFORMATION RELATING TO TIME WHEN PERSON UNDER 12

#### CHAPTER 1

##### DISCLOSURE OF CONVICTIONS ETC.

*Pre-12 convictions etc. not be treated as convictions*

#### **4 Amendment of the Rehabilitation of Offenders Act 1974**

- (1) The Rehabilitation of Offenders Act 1974 (the “1974 Act”) is amended as follows.
- (2) In section 1 (rehabilitated persons and spent convictions)—
  - (a) in subsection (1C), for “, (5) and (6)” substitute “and (5) to (8)”,
  - (b) after subsection (6) insert—
    - “(7) This Act does not apply to any conviction of an offence committed when the individual was under 12 years of age.
    - (8) Accordingly, references in this Act to a conviction do not include references to any such conviction.”.
- (3) In section 3 (certain disposals of children’s hearing treated as conviction), after subsection (2) insert—
  - “(3) This section does not apply where the acts or omissions constituting the ground mentioned in subsection (1) occurred when the child was under 12 years of age.”.

(4) In section 8B (protection afforded to spent alternatives to prosecution: Scotland), after subsection (2) insert—

“(2A) This section does not apply where the acts or omissions constituting the offence mentioned in subsection (1) occurred when the person was under 12 years of age.”.

(5) In section 9B (unauthorised disclosure of spent alternatives to prosecution: Scotland), after subsection (9) insert—

“(10) This section does not apply where the acts or omissions constituting the offence mentioned in subsection (1)(b) occurred when the person was under 12 years of age.”.