



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 2

INDEPENDENT REVIEW OF DISCLOSURE OF INFORMATION

Review of information prior to disclosure

18 [F¹Review of referred information]

- (1) The independent reviewer, on receiving information [F²falling within section 16(A2)], must review—
 - (a) whether the information is relevant in relation to the purpose described in the statement under section 113B(2) of the 1997 Act in relation to which the enhanced criminal record certificate is required, and
 - (b) whether it ought to be included in that certificate.
- (2) The independent reviewer, on receiving information [F³falling within section 16(A3)], must review—
 - (a) whether the information is relevant in relation to the type of regulated work in relation to which the scheme member to whom the scheme record relates participates in the scheme, and
 - (b) whether it ought to be included in that record.
- (3) The independent reviewer, in carrying out a review under this section, must—
 - (a) take account of—
 - (i) information provided [F⁴in compliance with any requirement as to information to be provided to the independent reviewer together with

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, Section 18 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- the information falling within section 16(A2) or, as the case may be, (A3)],
- (ii) any representations made by the applicant or, as the case may be, the scheme member, and
- (iii) any information provided [^{F5}in response to a notice given by the independent reviewer requiring information in connection with the review],
- (b) have regard to any guidance issued by the Scottish Ministers under section 22.
- (4) Following the review, the independent reviewer must determine either—
- (a) that the information ought not to be included in the enhanced criminal record certificate or, as the case may be, scheme record, or
- (b) that the information ought to be so included.

Textual Amendments

- F1** S. 18 heading substituted (17.12.2021) by virtue of [The Independent Reviewer \(Modification of Functions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/476\)](#), regs. 1, **2(4)**
- F2** Words in s. 18(1) substituted (17.12.2021) by [The Independent Reviewer \(Modification of Functions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/476\)](#), regs. 1, **2(3)(a)**
- F3** Words in s. 18(2) substituted (17.12.2021) by [The Independent Reviewer \(Modification of Functions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/476\)](#), regs. 1, **2(3)(b)**
- F4** Words in s. 18(3)(a)(i) substituted (17.12.2021) by [The Independent Reviewer \(Modification of Functions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/476\)](#), regs. 1, **2(3)(c)(i)**
- F5** Words in s. 18(3)(a)(iii) substituted (17.12.2021) by [The Independent Reviewer \(Modification of Functions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/476\)](#), regs. 1, **2(3)(c)(ii)**

Commencement Information

- I1** S. 18 in force at 30.11.2020 by [S.S.I. 2020/369](#), reg. 2, **sch.**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 18(1)(a) words substituted by [2020 asp 13 sch. 5 para. 7\(8\)\(a\)\(i\)](#)
- s. 18(1)(b) words substituted by [2020 asp 13 sch. 5 para. 7\(8\)\(a\)\(ii\)](#)
- s. 18(2) repealed by [2020 asp 13 sch. 5 para. 7\(8\)\(c\)](#)
- s. 18(4)(a) words substituted by [2020 asp 13 sch. 5 para. 7\(8\)\(d\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1A) inserted by [2020 asp 13 sch. 5 para. 7\(8\)\(b\)](#)
- s. 20A inserted by [2020 asp 13 sch. 5 para. 7\(9\)](#)