



# Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

## PART 3

### VICTIM INFORMATION

#### 27 Provision of information to persons affected by child's behaviour

(1) After section 179 of the 2011 Act, insert—

**“179A Request for information by person affected by child's offence or behaviour**

- (1) This section applies—
- (a) where the Principal Reporter is required to make a determination in relation to a child under section 66(2) and has information which suggests that—
    - (i) the child has committed an offence, or
    - (ii) the child, while under 12 years of age, has acted or behaved in a way that falls within subsection (2), or
  - (b) where, by virtue of section 71(3)(b) or 130, the Principal Reporter is required to arrange a children's hearing in relation to a child who has pled guilty to, or been found guilty of, an offence.
- (2) Action or behaviour falls within this subsection if it—
- (a) is—
    - (i) physically violent,
    - (ii) sexually violent or sexually coercive, or
    - (iii) dangerous, threatening or abusive, and
  - (b) causes harm to another person.
- (3) A person mentioned in subsection (4) may request the Principal Reporter to provide the person with information about the action taken in relation to

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the offence or, as the case may be, the action or behaviour mentioned in subsection (1)(a)(ii).

- (4) The persons are—
- (a) any person against whom the offence mentioned in subsection (1)(a)(i) or (b) appears to have been committed,
  - (b) any person who appears to have been harmed by the action or behaviour mentioned in subsection (1)(a)(ii),
  - (c) where a person mentioned in paragraph (a) or (b) is a child, any relevant person in relation to that child,
  - (d) any other person or class of persons the Scottish Ministers may specify by regulations (subject to any conditions specified in the regulations).
- (5) The Principal Reporter may inform any person mentioned in subsection (4)(a), (b) or (c) of the person's right to request information under subsection (3).
- (6) Subsection (7) applies where—
- (a) the Principal Reporter is required under section 68(3)(a) to provide information to a person, and
  - (b) that person is entitled to request information under subsection (3).
- (7) A request made by the person for information under subsection (3) is to be treated as relating only to information which the Principal Reporter is not required to provide to the person under section 68(3)(a).

### **179B Information to which section 179A applies**

- (1) The information about the action taken in relation to the offence or, as the case may be, the behaviour mentioned in subsection (1)(a)(ii) of section 179A which may be requested under subsection (3) of that section is—
- (a) in a case mentioned in section 179A(1)(a), information as to whether or not a children's hearing required to be arranged under section 69(2) for the purpose of deciding whether a compulsory supervision order should be made in respect of the child and—
    - (i) where such a hearing did not require to be arranged, the information mentioned in subsection (2)(a),
    - (ii) where such a hearing did require to be arranged, the information mentioned in subsection (2)(b),
  - (b) in a case mentioned in section 179A(1)(b), the information mentioned in subsection (2)(b).
- (2) The information is—
- (a) information as to—
    - (i) what determination the Principal Reporter made under section 66(2), and
    - (ii) any other action taken by the Principal Reporter (under section 68(5) or otherwise),
  - (b) information as to—
    - (i) whether a compulsory supervision order has been made in respect of the child or, as the case may be, whether a compulsory supervision order which is already in force in

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- respect of the child has been terminated, varied or continued,  
or  
(ii) how the referral to the children’s hearing was otherwise  
discharged.

**179C Decision by Principal Reporter following request under  
section 179A**

- (1) The Principal Reporter may comply with a request made under section 179A(3) only if satisfied—
- (a) that the provision of the information would not be detrimental to the best interests of the child mentioned in section 179A(1) (or any other child), and
  - (b) having regard to the factors mentioned in subsection (2), that it is appropriate in the circumstances of the case to provide the information.
- (2) The factors are—
- (a) the age of the child mentioned in section 179A(1),
  - (b) the seriousness of the offence or, as the case may be, the action or behaviour mentioned in section 179A(1)(a)(ii),
  - (c) the circumstances in which the offence or action or behaviour took place,
  - (d) the effect that the offence or the action or behaviour has had on the person mentioned in section 179A(4)(a) or, as the case may be, section 179A(4)(b), and
  - (e) such other factors as the Principal Reporter considers appropriate.
- (3) The Principal Reporter must not, in providing information under subsection (1), provide any more information than is necessary to inform the person who made the request of the action taken in relation to the offence or, as the case may be, the action or behaviour mentioned in section 179A(1)(a)(ii).”.
- (2) In section 68 (determination under section 66: no referral to a children’s hearing) of the 2011 Act, after subsection (3) insert—
- “(3A) The Principal Reporter may not, under subsection (3)(b), provide information to a person who is entitled to request that information under section 179A(3).”.
- (3) Section 53 of the Criminal Justice (Scotland) Act 2003 is repealed.