
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 146

The Children’s Hearings (Scotland) Act 2011 (Rehabilitation of Offenders) (Transitory Provisions) Order 2013

Modification of the Rehabilitation of Offenders Act 1974

2.—(1) The Rehabilitation of Offenders Act 1974(1) has effect subject to the modifications specified in this Article.

(2) In section 1(4)(2) (rehabilitated persons and spent convictions), the reference to “criminal proceedings” is to be read as if it included proceedings in which a ground of referral under section 52(2)(i) of the Children (Scotland) Act 1995, or section 67(2)(j) of the Children’s Hearings (Scotland) Act 2011, is under consideration.

(3) Section 3(3) (special provision with respect to certain disposals by children’s hearings under the Social Work (Scotland) Act 1968) has effect as if—

- (a) the text of the section were subsection (1) of the section;
- (b) the words from “a ground” to “that Act” (where the latter words occur a second time) were paragraph (a) of that subsection,
- (c) after that paragraph there were inserted—
 - “; or
 - (b) one or more of the section 67 grounds under the Children’s Hearings (Scotland) Act 2011 is that mentioned in section 67(2)(j) of that Act (meaning of “section 67 ground”) and that ground has either been accepted by the child and, where necessary, by any person who is a relevant person, or has been established to the satisfaction of the sheriff under section 108 or section 114 of that Act;”, and
- (d) after subsection (1) (created as mentioned in paragraph (a)) there were added—

“(2) In subsection (1)(b), “relevant person” has the meaning given in section 200 of the Children’s Hearings (Scotland) Act 2011 and includes any individual who is deemed a relevant person under section 81(3), or by virtue of an order under section 160(4)(b), of that Act.”

(4) Section 5 (rehabilitation periods for particular sentences) has effect as if—

- (a) in subsection (3)(4)—
 - (i) the word “and” immediately following paragraph (a) were omitted;
 - (ii) after paragraph (b) there were added—
 - “and

(1) 1974 c.53 (“the 1974 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) and the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2003 (S.I. 2003/415).

(2) Section 1(4) of the 1974 Act was relevantly amended by section 24(1) of and paragraph 8 of schedule 7 to the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(3) Section 3 of the 1974 Act was relevantly amended by paragraph 23(2)(a) and (b) of Schedule 4 to the Children (Scotland) Act 1995 (c.36).

(4) Section 5(3) of the 1974 Act was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 23(3)(a).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) to the discharge by a children’s hearing or, as the case may be, by the sheriff of the referral of a child’s case to a children’s hearing under section 91(3)(b), 93(2)(b), 94(2)(b), 108(3)(b), 114(3)(b) or 119(3)(b) of the Children’s Hearings (Scotland) Act 2011;”;
- (b) after subsection (5)(f)(5) there were inserted—
 - “(fa) a compulsory supervision order under any provision of the Children’s Hearings (Scotland) Act 2011;”;
- (c) in subsection (10)(6), after “1995” there were inserted “or a compulsory supervision order under any provision of the Children’s Hearings (Scotland) Act 2011”.

(5) Section 5(5) of the 1974 Act was relevantly amended by the Criminal Justice (Scotland) Act 1980 (c.62), Schedule 7, paragraph 24(c) and the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 23(3)(b).

(6) Section 5(10) of the 1974 Act was relevantly amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 23(3)(c).