

*These notes relate to the Age of Criminal Responsibility (Scotland)
Act 2019 (asp 7) which received Royal Assent on 11 June 2019*

AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019

EXPLANATORY NOTES

PART 2: DISCLOSURE OF CONVICTIONS AND OTHER INFORMATION RELATING TO TIME WHEN PERSON UNDER 12

Changes made by the Act

What this Part of the Act does

Prohibition on provision of ORI unless approved by independent reviewer

55. [Section 10\(1\)](#) of the Act changes the operation of section 113B of the 1997 Act (via an amendment of section 119 of that Act) and of section 75 of the 2007 Act in relation to the inclusion of ORI that relates to pre-12 behaviour in an enhanced disclosure or scheme record. These amendments apply in relation to both information about things done by children aged under 12 already held by the police when the age of criminal responsibility changes and information about things done by children in this age group acquired after that change. The effect of these amendments is that, following the change in the age of criminal responsibility, ORI which relates to behaviour while a person was aged under 12 will only be able to be provided by the police¹ to Disclosure Scotland for inclusion in an enhanced disclosure or a scheme record if the outcome of the review process set out in sections 14 to 20 of the Act is that the information ought to be included in the disclosure.

¹ The provision being inserted into the 1997 Act by section 10 of the Act refers only to the chief constable of the Police Service of Scotland. In the 2007 Act, “chief constable” is defined to mean the chief constable of the Police Service of Scotland, so the reference in the provision inserted into that Act by section 10 of the Act also refers only to the chief constable of the Police Service of Scotland. Section 26 of the Act defines “chief constable” in the same way – so the review process set out in the Act only applies in relation to information held by the Police Service of Scotland.