



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

Appointment of independent reviewer

11 Independent reviewer

There is to be an independent reviewer for the purposes of—

- (a) reviewing information concerning behaviour of persons when under 12 years of age before the disclosure of such information—
 - (i) in an enhanced criminal record certificate under section 113B of the 1997 Act, or
 - (ii) in a scheme record under section 52 of the 2007 Act, and
- (b) exercising other functions conferred on the reviewer by or under this Act or any other enactment.

Commencement Information

11 S. 11 in force at 30.11.2020 by S.S.I. 2020/369, reg. 2, sch.

12 Period and terms of appointment

- (1) The Scottish Ministers are to appoint a person as the independent reviewer for a period of 3 years.

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, Cross Heading: Appointment of independent reviewer 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

- (2) A person is to be appointed as independent reviewer on such terms and conditions as the Scottish Ministers determine.
- (3) A person may be reappointed as independent reviewer for a further period or periods.
- (4) A person is disqualified from appointment, and from holding office, as the independent reviewer if the person is or becomes—
 - (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament,
 - (c) a member of the European Parliament, or
 - (d) a councillor of a local authority.
- (5) The Scottish Ministers may pay such remuneration or allowances to the independent reviewer as they determine.
- (6) Where the office of independent reviewer is vacant or the reviewer is for any reason unable to exercise the reviewer's functions, the Scottish Ministers may designate a person to exercise those functions for such period as Ministers consider necessary.
- (7) The Scottish Ministers may remove a person from the office of independent reviewer, by giving notice to the person in writing, if—
 - (a) the person has, since appointment, been convicted of an offence listed in schedule 8A or 8B of the 1997 Act,
 - (b) the person becomes insolvent, or
 - (c) the Scottish Ministers consider that the person—
 - (i) is unable to exercise the reviewer's functions, or
 - (ii) is unsuitable to continue to hold that office.
- (8) For the purposes of subsection (7)(b), a person becomes insolvent if—
 - (a) the person's estate is sequestrated,
 - (b) the person grants a trust deed for creditors or makes a composition or arrangement with creditors,
 - (c) a voluntary arrangement proposed by the person is approved,
 - (d) the person's application for a debt payment programme is approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002, or
 - (e) the person becomes subject to any other kind of order or arrangement analogous to those described in paragraphs (a) to (d) anywhere in the world.

Commencement Information

12 S. 12 in force at 30.11.2020 by S.S.I. 2020/369, reg. 2, sch.

13 Administrative support

- (1) The Scottish Ministers must provide, or ensure the provision of, such staff and property as they consider the independent reviewer requires for the purpose of carrying out the reviewer's functions.
- (2) The Scottish Ministers must consult the independent reviewer as to the staff and property the reviewer requires for the purpose of carrying out the reviewer's functions.

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, Cross Heading: Appointment of independent reviewer 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](#)

Commencement Information

I3 S. 13 in force at 30.11.2020 by [S.S.I. 2020/369](#), reg. 2, [sch.](#)

Changes to legislation:

Age of Criminal Responsibility (Scotland) Act 2019, Cross Heading: Appointment of independent reviewer 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.

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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\(9\)](#)