



# 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.

#### **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.
- (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.

### **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.