



# 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

###### *General functions of independent reviewer*

#### **21 Annual report and recommendations**

- (1) The independent reviewer must, as soon as reasonably practicable after the end of each reporting year—
  - (a) prepare a report on the exercise of the reviewer’s functions during that year, and
  - (b) send a copy of that report to the Scottish Ministers.
- (2) The Scottish Ministers must lay a copy of each report received under subsection (1) (b) before the Scottish Parliament as soon as reasonably practicable after receiving it.
- (3) The independent reviewer may include in an annual report recommendations to the Scottish Ministers as to—
  - (a) any guidance issued by Ministers under section 22 or which the reviewer considers it would be appropriate for Ministers to issue,
  - (b) any changes to any enactment which the reviewer considers appropriate, and
  - (c) any other matters the reviewer considers appropriate.
- (4) In this section, “reporting year” is—
  - (a) the period beginning with the day on which this section comes into force and ending on 31 March, and

- (b) each successive year ending on that date.

## **22 Guidance**

- (1) The Scottish Ministers—
  - (a) must issue guidance to the independent reviewer about the exercise of the reviewer’s functions, and
  - (b) may, from time to time, issue revised guidance.
- (2) Before issuing guidance or revised guidance under this section, the Scottish Ministers must consult—
  - (a) the independent reviewer,
  - (b) such other persons Ministers consider appropriate.
- (3) Guidance under this section may not relate to—
  - (a) a specific review being or to be carried out by the independent reviewer under section 18, or
  - (b) the way in which the reviewer is carrying out (or is to carry out) a specific review.
- (4) The independent reviewer, in exercising the reviewer’s functions, must have regard to any such guidance.

## **23 Regulation of procedure for review**

- (1) The Scottish Ministers may by regulations make provision about the procedure for the review under this Part of the inclusion of information in enhanced criminal record certificates and scheme records.
- (2) Regulations under this section may in particular include provision about—
  - (a) the time period within which the chief constable is to refer to the independent reviewer information that the chief constable has identified and considers ought to be included in an enhanced criminal record certificate or, as the case may be, a scheme record,
  - (b) the time period within which the independent reviewer is to notify the applicant or, as the case may be, the scheme member under section 16(1),
  - (c) the time period within which the applicant or, as the case may be, the scheme member may make representations under section 16(2) to the independent reviewer,
  - (d) the time period within which a person required under section 17(1) to provide information to the independent reviewer is to do so.

## **24 Modifications of the functions of the independent reviewer**

- (1) The Scottish Ministers may by regulations modify the functions of the independent reviewer.
- (2) The Scottish Ministers must, before laying a draft of a Scottish statutory instrument containing regulations under this section before the Scottish Parliament, consult such persons as they consider appropriate.
- (3) Regulations under this section may—

- (a) modify any enactment (including this Act),
- (b) include transitional, transitory or saving provision.