



# 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

##### *Review of information prior to disclosure*

#### **16 Notification to applicant or scheme member**

[<sup>F1</sup>(A1) This section applies where information falling within subsection (A2) or (A3) is referred to the independent reviewer for review.

(A2) Information falls within this subsection if—

- (a) it has been referred to the independent reviewer following a request for information made by the Scottish Ministers under section 113B(4) of the 1997 Act,
- (b) it relates to a time when the applicant was under 12 years of age, and
- (c) it ought, in the opinion of the person who referred the information to the independent reviewer, to be included in an enhanced criminal record certificate issued under section 113B(1) of that Act.

(A3) Information falls within this subsection if—

- (a) it has been referred to the independent reviewer as a result of an enquiry or arrangements made under section 47 of the 2007 Act,
- (b) it relates to a time when the scheme member was under 12 years of age, and

*Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, Section 16 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*

- (c) it ought, in the opinion of the person who referred the information to the independent reviewer, to be included in a scheme record by virtue of section 49(1)(c) of that Act.]
- (1) The independent reviewer must notify the applicant or, as the case may be, the scheme member to whom the information relates that information has been received for review.
- (2) A notice under subsection (1) must include details of—
  - (a) the information relating to the applicant or scheme member which has been referred to the independent reviewer for review,
  - (b) how the applicant or scheme member can make representations to the independent reviewer about whether the information ought to be included in the enhanced criminal record certificate or, as the case may be, scheme record,
  - (c) the period within which any representations may be made.
- (3) A notice under subsection (1) may include details of—
  - (a) any information the independent reviewer believes the applicant or scheme member holds and which the reviewer requests the applicant or scheme member to provide to the reviewer,
  - (b) the period within which the information may be provided.

#### Textual Amendments

- F1** S. 16(A1)-(A3) inserted (17.12.2021) by [The Independent Reviewer \(Modification of Functions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/476\)](#), regs. 1, **2(2)**

#### Commencement Information

- I1** S. 16 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, Section 16 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 :**

- s. 16(2)(b) words substituted by [2020 asp 13 sch. 5 para. 7\(7\)](#)

**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\(9\)](#)