



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 1

DISCLOSURE OF CONVICTIONS ETC.

Disclosure of information about relevant behaviour

8 Disapplication of sections 6 and 7

- (1) Subsection (2) applies where a referral is made to the independent reviewer for a determination under section 18 as to whether information with respect to relevant behaviour ought to be included in—
 - (a) an enhanced criminal record certificate under section 113B of the Police Act 1997 (the “1997 Act”), or
 - (b) a scheme record under section 52 of the Protection of Vulnerable Groups (Scotland) Act 2007 (the “2007 Act”).
- (2) Sections 6 and 7(1) and (2) do not apply—
 - (a) for the purpose of the referral (including any appeal under section 20), and
 - (b) in relation to the relevant behaviour which is the subject of the referral.
- (3) Subsection (4) applies where—
 - (a) the independent reviewer has determined, on a review under section 18, that information with respect to relevant behaviour ought to be included in an enhanced criminal record certificate or, as the case may be, a scheme record, and
 - (b) such information is so included.

- (4) Sections 6 and 7 do not apply—
- (a) in relation to the purpose for which the certificate or, as the case may be, scheme record is provided, and
 - (b) in relation to the relevant behaviour with respect to which information is included in the certificate or record.
- (5) In subsection (4)(a)—
- (a) the purpose for which an enhanced criminal record certificate is provided means the prescribed purpose mentioned in section 113B(2) of the 1997 Act, and
 - (b) the purpose for which a scheme record is provided means the purpose mentioned in disclosure condition C in section 55 of the 2007 Act.
- (6) Subsection (7) applies where information with respect to relevant behaviour is included in a certificate or, as the case may be, scheme record as mentioned in subsection (3)(b).
- (7) Subject to subsections (1) and (2), the application of sections 6 and 7 is not excluded in relation to that relevant behaviour, or any circumstances ancillary to it, during the period before the certificate or record was provided.