
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 369 (C. 30)

CHILDREN AND YOUNG PERSONS

**The Age of Criminal Responsibility (Scotland) Act
2019 (Commencement No. 3) Regulations 2020**

Made - - - - *10th November 2020*
Laid before the Scottish
Parliament - - - - *12th November 2020*
Coming into force - - *30th November 2020*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 84(2) of the Age of Criminal Responsibility (Scotland) Act 2019(1).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Age of Criminal Responsibility (Scotland) Act 2019 (Commencement No. 3) Regulations 2020 and come into force on 30 November 2020.

(2) In these Regulations “the Act” means the Age of Criminal Responsibility (Scotland) Act 2019.

Appointed day

2.—(1) 30 November 2020 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the schedule.

(2) The subject matter of each provision of the Act specified in column 1 is listed in column 2 of the schedule.

St Andrew’s House,
Edinburgh
10th November 2020

MAREE TODD
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 2(1)

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 4	Amendment of the Rehabilitation of Offenders Act 1974
Section 5	Disclosure of information about convictions etc. relating to time when person under 12
Section 6	Disclosure of information about relevant behaviour: judicial proceedings
Section 7	Disclosure of information about relevant behaviour: non-judicial proceedings
Section 8	Disapplication of sections 6 and 7
Section 9	Further limitations on sections 6 and 7
Section 10	Disclosure of information relating to time when person under 12
Section 11	Independent reviewer
Section 12	Period and terms of appointment
Section 13	Administrative support
Section 14	Referral of information to independent reviewer
Section 15	Notification of referral under section 14
Section 16	Notification to applicant or scheme member
Section 17	Provision of information to the independent reviewer
Section 18	Review of information referred under section 14
Section 19	Notification of determination
Section 20	Appeal against determination under section 18
Section 21	Annual report and recommendations
Section 25	Amendments consequential on Chapter 2
Section 26	Interpretation of Part 2

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the provisions of the Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”) on 30 November 2020 listed in the schedule. These provisions relate to:

- Section 4 – amending the Rehabilitation of Offenders Act 1974 to remove convictions and alternatives to prosecution for offences that were committed when a person was under 12 years of age,
- Sections 5 to 9 – provision for the disclosure of information about relevant behaviour when a person was under 12 years of age,
- Section 10 – limitation on disclosure of information relating to a time when a person was under 12 years of age,
- Sections 11 to 13 – the appointment of the independent reviewer for the purposes of reviewing information concerning behaviour of persons when under 12 years of age before the disclosure of such information,
- Sections 14 to 20 – how the independent reviewer will review such information prior to its disclosure,
- Section 21 – the requirement on the independent reviewer to prepare an annual report, with recommendations,
- Section 25 – amendments which are needed to other legislation in consequence of chapter 2, part 2 of the Act,
- Section 26 – interpretative provision for part 2 of the Act.

These are the third Commencement Regulations in respect of the Act.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The Act received Royal Assent on 11 June 2019. Sections 84 and 85 of the Act came into force on the following day. The provisions of the Act commenced by earlier commencement regulations are detailed in the table below.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3 and 27	29 November 2019	2019/349
Sections 22 to 24	31 March 2020	2020/74
Sections 29 to 32	31 March 2020	2020/74
Section 33(4)	31 March 2020	2020/74
Section 56(3) and (4)	31 March 2020	2020/74
Section 57	31 March 2020	2020/74
Section 60(6)	31 March 2020	2020/74
Section 65(2)(b)(iii) and (3)	31 March 2020	2020/74
Section 66(9)	31 March 2020	2020/74
Section 73	31 March 2020	2020/74
Section 80 to 83	31 March 2020	2020/74