
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 476

The Independent Reviewer (Modification of Functions) (Scotland) Regulations 2021

Modification of the Age of Criminal Responsibility (Scotland) Act 2019

2.—(1) The Age of Criminal Responsibility (Scotland) Act 2019 is modified in accordance with this regulation.

(2) In section 16 (notification to applicant or scheme member), before subsection (1) insert—

“(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
- (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.”

(3) In section 18 (review of information)—

- (a) in subsection (1), for “mentioned in section 14(1)(a)” substitute “falling within section 16(A2)”,
- (b) in subsection (2), for “mentioned in section 14(1)(b)” substitute “falling within section 16(A3)”,
- (c) in subsection (3)(a)—
 - (i) in sub-paragraph (i), for “under section 14(2)” substitute “in compliance with any requirement as to information to be provided to the independent reviewer together with the information falling within section 16(A2) or, as the case may be, (A3)”,
 - (ii) in sub-paragraph (iii), for “under section 17” substitute “in response to a notice given by the independent reviewer requiring information in connection with the review”.

(4) The section title of section 18 becomes “Review of referred information”.

(5) In section 19(2) (persons to be notified of determination), for paragraph (a) substitute—

Status: This is the original version (as it was originally made).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

- “(a) the person who referred the information falling within section 16(A2) or, as the case may be, (A3) to the independent reviewer.”
- (6) In section 20(1) (persons who may appeal determination), for paragraph (b) substitute—
- “(b) the person who referred the information falling within section 16(A2) or, as the case may be, (A3) to the independent reviewer.”