



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

3 Special provision with respect to certain disposals by children's hearings [^{F1}under the Social Work (Scotland) Act 1968].

Where a ground for the referral of a child's case to a children's hearing under the [^{F2}Children (Scotland) Act 1995 is that mentioned in section 52(2)

[This section does not apply where the acts or omissions constituting the ground
^{F3}(3) mentioned in subsection (1) occurred when the child was under 12 years of age.]

- (i) of that Act (commission by the child of an offence) and that ground has either been accepted by the child and, where necessary, by his parent or been established [^{F4}(or deemed established) to the satisfaction of the sheriff under section 68 or 85 of that Act, the acceptance, establishment (or deemed establishment)] of that ground shall be treated for the purposes of this Act (but not otherwise) as a conviction, and any disposal of the case thereafter by a children's hearing shall be treated for those purposes as a sentence; and references in this Act to a person's being charged with or prosecuted for an offence shall be construed accordingly.

Textual Amendments

- F1** Words in s. 3 heading repealed (S.) (30.11.2020) by [Management of Offenders \(Scotland\) Act 2019](#) (asp 14), s. 63(2), [sch. 2 para. 1\(5\)](#); S.S.I. 2020/245, reg. 2, sch. (with reg. 3)
- F2** Words in s. 3 substituted (S.) (1.4.1997) by 1995 c. 36, s. 105(4), [Sch. 4 para. 23\(2\)\(a\)](#); S.I. 1996/3201, [art. 3\(7\)](#)
- F3** S. 3(3) inserted (S.) (30.11.2020) by [Age of Criminal Responsibility \(Scotland\) Act 2019](#) (asp 7), [ss. 4\(3\)](#), 84(2); S.S.I. 2020/369, reg. 2, sch.
- F4** Words in s. 3 substituted (S.) (1.4.1997) by 1995 c. 36, s. 105(4), [Sch. 4 para. 23\(2\)\(b\)](#); S.I. 1996/3201, [art. 3\(7\)](#)

Changes to legislation:

Rehabilitation of Offenders Act 1974, Section 3 is up to date with all changes known to be in force on or before 14 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.
[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 3 omitted by [2012 c. 10 Sch. 25 para. 4](#)
- s. 3 repealed by [2011 asp 1 sch. 6](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2017 anaw 2 s. 66\(10\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(2AA) inserted by [2020 asp 13 sch. 5 para. 2\(2\)](#)
- s. 5J(1)(ba) inserted by [2020 asp 13 sch. 5 para. 2\(8\)\(a\)](#)
- s. 5J(1A)(1B) inserted by [2020 asp 13 sch. 5 para. 2\(8\)\(b\)](#)
- s. 8A(2)(aa)-(ad) substituted for s. 8A(2)(a) by [2022 c. 32 Sch. 11 para. 2\(a\)](#)
- s. 8B(1A)-(1E) inserted by [2011 asp 1 s. 187\(2\)\(a\)](#)
- Sch. 3 para. 1(1)(aa)(ab) inserted by [2011 asp 1 s. 187\(3\)](#)