
STATUTORY INSTRUMENTS

2021 No. 1458

**The Age of Criminal Responsibility (Scotland) Act 2019
(Consequential Provisions and Modifications) Order 2021**

PART 2

Disclosure of convictions and other information relating to time when person under 12

Limitation on disclosure of information relating to time when person under 12

- 4.—(1) In section 119 (sources of information) of the 1997 Act, after subsection (2A) insert—
- “(2B) Subsection (2A) (as inserted by section 10(1) of the 2019 Act) applies in relation to the following persons as it applies in relation to the chief constable of the Police Service of Scotland—
- (a) the chief constable of—
 - (i) a police force in England and Wales;
 - (ii) the Police Service of Northern Ireland;
 - (iii) the Ministry of Defence Police;
 - (iv) the British Transport Police;
 - (v) the Civil Nuclear Constabulary;
 - (b) the Provost Marshal of—
 - (i) the Royal Navy Police;
 - (ii) the Royal Military Police;
 - (iii) the Royal Air Force Police;
 - (c) the Director General of the National Crime Agency.”.
- (2) In article 3 (provision of police information to the Scottish Ministers) of the Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010(1) —
- (a) after paragraph (2) insert—

“(2A) But a chief officer mentioned in paragraph (2B) may, in response to a request for information of the type described in section 49(1)(c) of the 2007 Act, provide under paragraph (1) information relating to a time when the scheme member was under 12 years of age only where—

 - (a) the independent reviewer determines, on a review under section 18 of the 2019 Act, that the information ought to be included in the scheme member’s scheme record and—
 - (i) no appeal under section 20 of the 2019 Act is taken, or

- (ii) such an appeal having been taken, the sheriff confirms the determination under subsection (3)(a) of that section, or
 - (b) the sheriff, on an appeal under section 20 of the 2019 Act, determines under subsection (3)(b) of that section that the information ought to be included in the scheme member's scheme record.
- (2B) The chief officers referred to in paragraph (2A) are the chief officers of the following police forces—
- (a) a police force in England and Wales,
 - (b) the Police Service of Northern Ireland,
 - (c) the Royal Navy Police,
 - (d) the Royal Military Police,
 - (e) the Royal Air Force Police,
 - (f) the Ministry of Defence Police,
 - (g) the British Transport Police,
 - (h) the Civil Nuclear Constabulary,
 - (i) the National Crime Agency.”
- (b) after paragraph (4) insert—
- “(4A) In paragraph (2A)—
- “the 2019 Act” means the Age of Criminal Responsibility (Scotland) Act 2019,
- “independent reviewer” means the independent reviewer appointed under section 12 of the Age of Criminal Responsibility (Scotland) Act 2019.”.

Commencement Information

II Art. 4 in force at 17.12.2021, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021, Section 4.