



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 18

MISCELLANEOUS

Rehabilitation of offenders

187 Rehabilitation of Offenders Act 1974: treatment of certain disposals by children's hearings

- (1) The Rehabilitation of Offenders Act 1974 (c.53) is amended as follows.
- (2) In section 8B (protection afforded to spent alternatives to prosecution: Scotland)—
 - (a) after subsection (1) insert—

“(1A) For the purposes of this Act, a person has also been given an alternative to prosecution in respect of an offence if (whether before or after the commencement of this section) in proceedings before a children's hearing to which subsection (1B) applies—

- (a) a compulsory supervision order (as defined in section 83 of the 2011 Act) has been made or, as the case may be, varied or continued in relation to the person, or
- (b) the referral to the children's hearing has been discharged (whether wholly or in relation to the ground that the person committed the offence).

(1B) This subsection applies to proceedings if the proceedings were taken in relation to the person on the ground (whether alone or with other grounds) that the person had committed the offence and—

- (a) the ground was accepted for the purposes of the 2011 Act by—
 - (i) the person, and
 - (ii) any person who was a relevant person as respects those proceedings, or
- (b) the ground was established or treated as established for the purposes of the 2011 Act.

Status: This is the original version (as it was originally enacted).

- (1C) In subsections (1A) and (1B)—
- “the 2011 Act” means the Children’s Hearings (Scotland) Act 2011,
- “relevant person”—
- (a) has the meaning given by section 200 of the 2011 Act, and
 - (b) includes a person who was deemed to be a relevant person by virtue of section 81(3), 160(4)(b) or 164(6) of that Act.
- (1D) For the purposes of this Act, a person has also been given an alternative to prosecution in respect of an offence if (whether before or after the commencement of this section) in proceedings before a children’s hearing to which subsection (1E) applies—
- (a) a supervision requirement has been made or, as the case may be, varied or continued under the Children (Scotland) Act 1995 (“the 1995 Act”) in relation to the person, or
 - (b) the referral to the children’s hearing has been discharged (whether wholly or in relation to the ground that the person committed the offence).
- (1E) This subsection applies to proceedings if the proceedings were taken in relation to the person on the ground (whether alone or with other grounds) that the person had committed the offence and—
- (a) the ground was accepted for the purposes of the 1995 Act by the person and, where necessary, the relevant person (as defined in section 93(2) of that Act), or
 - (b) the ground was established, or deemed to have been established, for the purposes of that Act.”, and
- (b) in subsection (2), for “subsection (1)” substitute “subsections (1), (1A) and (1D)”.
- (3) In Schedule 3 (protection for spent alternatives to prosecution: Scotland), after subparagraph (1)(a) of paragraph 1 insert—
- “(aa) in the case of—
- (i) a compulsory supervision order referred to in paragraph (a) of subsection (1A) of that section, the period of 3 months beginning on the day the compulsory supervision order is made or, as the case may be, varied or continued, or
 - (ii) a discharge referred to in paragraph (b) of subsection (1A) of that section, the period of 3 months beginning on the day of the discharge,
- (ab) in the case of—
- (i) a supervision requirement referred to in paragraph (a) of subsection (1D) of that section, the period of 3 months beginning on the day the supervision requirement is made or, as the case may be, varied or continued, or
 - (ii) a discharge referred to in paragraph (b) of subsection (1D) of that section, the period of 3 months beginning on the day of the discharge.”.