

Status: This version of this provision is prospective.

Changes to legislation: *Children's Hearings (Scotland) Act 2011, Section 188 is up to date with all changes known to be in force on or before 27 May 2023. 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. (See end of Document for details) View outstanding changes*



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 18

MISCELLANEOUS

Criminal record certificates

PROSPECTIVE

188 Criminal record certificates

In section 113A of the Police Act 1997 (c.50) (criminal record certificates)—

(a) in subsection (6), in the definition of “relevant matter”, after paragraph (b) insert—

“(ba) an alternative to prosecution of the type mentioned in section 8B(1A) or (1D) of that Act which relates to an offence specified in an order made by the Scottish Ministers by statutory instrument, including any such alternative to prosecution which so relates and which is spent under Schedule 3 to that Act,

(bb) a supervision requirement made in relation to a person by a children's hearing under section 44 of the Social Work (Scotland) Act 1968 in the circumstances mentioned in subsection (6A) if the supervision requirement relates to an offence specified in an order under paragraph (ba),

(bc) the discharge under section 43 of the Social Work (Scotland) Act 1968 of the referral of a person to a children's hearing in the circumstances mentioned in subsection (6A) if the discharge relates to an offence specified in an order under paragraph (ba),” and

(b) after that subsection, insert—

“(6A) The circumstances are—

(a) the person was referred to the children's hearing on the ground (whether alone or among other grounds) mentioned

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in section 32(2)(g) of the Social Work (Scotland) Act 1968 (commission of offence), and

- (b) the ground was accepted by the person and, where necessary, by the person's parent or established to the satisfaction of the sheriff under section 42 of that Act.

(6B) An order under paragraph (ba) of the definition of “relevant matter” in subsection (6) may specify an offence by reference to a particular degree of seriousness.

(6C) A statutory instrument containing an order under paragraph (ba) of the definition of “relevant matter” in subsection (6) may not be made unless a draft of the instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.”.

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Changes and effects yet to be applied to :

- s. 188 repealed by [2020 asp 13 sch. 5 para. 13\(b\)](#)

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

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

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)