



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 18

#### MISCELLANEOUS

##### *Criminal record certificates*

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

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*Status: This is the original version (as it was originally enacted).*

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- (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."