

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 18 – Miscellaneous

Criminal record certificates

Section 188 – Criminal record certificates

274. This extends the meaning of “relevant matter” in section 113A of the 1997 Act. This is achieved by bringing certain “alternatives to prosecution” in the new section 8B (1A) and (1D) of the 1974 Act within the meaning of “relevant matter” in the 1997 Act as well as certain supervision requirements and discharges made under the Social Work (Scotland) Act 1968. Section 188 therefore establishes a link between the alternatives to prosecution resulting from Children’s Hearings on offence grounds and the 1997 Act.
275. Subsection (b) provides Scottish Ministers with the power to make an order specifying to which offences (resulting in an alternative to prosecution following a Children’s Hearing), the definition of ‘relevant matter’ will apply. This limits the offences Disclosure Scotland can access whilst discharging their functions of providing criminal record checks for recruitment and other purposes. Any such order will be subject to affirmative procedure. Subsection (6B) provides that the order can set out offences by level of seriousness.