



Age of Criminal Responsibility (Scotland) Act 2019

2019 asp 7

PART 2 **S**

DISCLOSURE OF CONVICTIONS AND OTHER INFORMATION RELATING TO TIME WHEN PERSON UNDER 12

CHAPTER 1 **S**

DISCLOSURE OF CONVICTIONS ETC.

Pre-12 convictions etc. not be treated as convictions

4 **Amendment of the Rehabilitation of Offenders Act 1974** **S**

- (1) The Rehabilitation of Offenders Act 1974 (the “1974 Act”) is amended as follows.
- (2) In section 1 (rehabilitated persons and spent convictions)—
 - (a) in subsection (1C), for “, (5) and (6)” substitute “ and (5) to (8) ”,
 - (b) after subsection (6) insert—
 - “(7) This Act does not apply to any conviction of an offence committed when the individual was under 12 years of age.
 - (8) Accordingly, references in this Act to a conviction do not include references to any such conviction.”.
- (3) In section 3 (certain disposals of children's hearing treated as conviction), after subsection (2) insert—
 - “(3) This section does not apply where the acts or omissions constituting the ground mentioned in subsection (1) occurred when the child was under 12 years of age.”.

Changes to legislation: Age of Criminal Responsibility (Scotland) Act 2019, Cross Heading: Pre-12 convictions etc. not be treated as convictions is up to date with all changes known to be in force on or before 25 July 2024. 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

(4) In section 8B (protection afforded to spent alternatives to prosecution: Scotland), after subsection (2) insert—

“(2A) This section does not apply where the acts or omissions constituting the offence mentioned in subsection (1) occurred when the person was under 12 years of age.”.

(5) In section 9B (unauthorised disclosure of spent alternatives to prosecution: Scotland), after subsection (9) insert—

“(10) This section does not apply where the acts or omissions constituting the offence mentioned in subsection (1)(b) occurred when the person was under 12 years of age.”.

Commencement Information

II S. 4 in force at 30.11.2020 by [S.S.I. 2020/369](#), reg. 2, [sch.](#)

Changes to legislation:

Age of Criminal Responsibility (Scotland) Act 2019, Cross Heading: Pre-12 convictions etc. not be treated as convictions is up to date with all changes known to be in force on or before 25 July 2024. 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.

[View outstanding changes](#)

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):

- s. 18(1A) inserted by [2020 asp 13 sch. 5 para. 7\(8\)\(b\)](#)
- s. 20A inserted by [2020 asp 13 sch. 5 para. 7\(9\)](#)