



The Scottish Parliament
Pàrlamaid na h-Alba

Clerk to the Delegated Powers and Law Reform Committee
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James Hynd
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Scottish Government

26 March 2019

Age of Criminal Responsibility (Scotland) Bill as amended at Stage 2

The Delegated Powers and Law Reform Committee considered the above Bill on 26 March 2019 and seeks an explanation from the Scottish Government of the following matters:

Section 4B(4) – Disclosure of information about convictions etc. relating to time when person under 12

Power conferred on: the Scottish Ministers

Power exercisable by: Regulations

Parliamentary procedure: Affirmative

In relation to the power in subsection (4) of section 4B to modify the meaning of “relevant behaviour” in subsection (1), the Committee asks:

(a) for clarification whether it is intended that this power would enable the modification of:

- “behaviour”, presumably by limiting it to certain types of behaviour,
- the child’s age of 12 when the behaviour occurred, and
- the matters stated in paragraphs (a) and (b) of section 4B(1), which set out results of behaviour and actions arising from behaviour;

(b) whether, if it is intended that the power should enable a change of the age of 12 and/or of any of those matters specified in paragraphs (a) and (b), this power could be more clearly expressed; and

(c) if the power to change the age of 12 is intended, why is this considered to be appropriate?

Please email your response to the Delegated Powers and Law Reform Committee e-mail address above by 5pm on **Tuesday 9 April 2019**.

Thank you.

Andrew Proudfoot
Clerk to the Delegated Powers and Law Reform Committee