SCOTTISH STATUTORY INSTRUMENTS

2020 No. 449

CHILDREN AND YOUNG PERSONS

The Children's Hearings (Provision of Information by Principal Reporter) (Specified Persons) (Scotland) Regulations 2020

Made - - - -	*17th December 2020*
Laid before the Scottish Parliament	*21st December 2020*
Coming into force - -	*4th February 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 179A(4)(d) of the Children's Hearings (Scotland) Act 2011(**a**), section 83(1) of the Age of Criminal Responsibility (Scotland) Act 2019(**b**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children's Hearings (Provision of Information by Principal Reporter) (Specified Persons) (Scotland) Regulations 2020 and come into force on 4 February 2021.

(2) In these Regulations—

"the 2011 Act" means the Children's Hearings (Scotland) Act 2011,

"the Authority" means the Criminal Injuries Compensation Authority,

"insurer" means a person who is authorised under the Financial Services and Markets Act 2000(**c**) to carry on the regulated activity of—

(a) effecting or carrying out contracts of insurance as principal, or

(b) managing the underwriting capacity of a Lloyd's syndicate as a managing agent at Lloyd's,

"relevant compensation claim" means a claim for compensation submitted to the Criminal Injuries Compensation Authority for injuries sustained as a result of the relevant conduct,

"relevant conduct" means the offence, action or behaviour in respect of which a request has been made under section 179A(3) of the 2011 Act,

"relevant insurance claim" means a claim for insurance (or other compensation) made by, or on behalf of, a person specified in section 179A(4)(a), (b) or (c) of the 2011 Act, to an insurer in relation to the relevant conduct.

(**a**) 2011 asp 1. Section 179A was added by section 27(1) of the Age of Criminal Responsibility (Scotland) Act 2019 (asp 7).
(**b**) 2019 asp 7.
(**c**) 2000 c.8.

Specified Persons

2. The following persons and classes of person are specified by the Scottish Ministers under section 179A(4)(d) of the 2011 Act—

(a) Victim Support Scotland, a Scottish charitable incorporated organisation with registered number SC002138,

(b) the Authority, and

(c) an insurer.

Specified Conditions

3.—(1) The following conditions are specified by the Scottish Ministers under section 179A(4)(d) of the 2011 Act.

(2) Any information provided to Victim Support Scotland by the Principal Reporter following a request made under section 179A(3) of the 2011 Act must only be used by Victim Support Scotland for the purpose of providing support services to a person specified in section 179A(4)(a), (b) or (c) of the 2011 Act, in relation to the relevant conduct.

(3) Any information provided to Victim Support Scotland by the Principal Reporter following a request made under section 179A(3) of the 2011 Act must not be disclosed by Victim Support Scotland unless such disclosure is—

(a) necessary for the purpose mentioned in paragraph (2), or

(b) required by a legal obligation to which the Victim Support Scotland is subject.

(4) Any information provided to the Authority by the Principal Reporter following a request made under section 179A(3) of the 2011 Act must only be used by the Authority—

(a) in order to verify that the relevant conduct has been referred to, and is being (or has been) investigated by the Principal Reporter, and

(b) where such verification is necessary for the purposes of processing a relevant compensation claim (including any appeal, judicial review or other litigation in relation to the claim).

(5) Any information provided to the Authority by the Principal Reporter following a request made under section 179A(3) of the 2011 Act must not be disclosed by the Authority unless such disclosure is—

(a) necessary for the purposes mentioned in paragraph (4)(b), or

(b) required by a legal obligation to which the Authority is subject.

(6) Any information provided to an insurer by the Principal Reporter following a request made under section 179A(3) of the 2011 Act must only be used by the insurer—

(a) in order to verify that the relevant conduct has been referred to, and is being (or has been) investigated by, the Principal Reporter, and

(b) where such verification is necessary for the purposes of processing a relevant insurance claim (including any appeal, judicial review or other litigation in relation to the claim).

(7) Any information provided to an insurer by the Principal Reporter following a request made under section 179A(3) of the 2011 Act must not be disclosed by the insurer unless such disclosure is—

(a) necessary for the purposes mentioned in paragraph (6)(b), or

(b) required by a legal obligation to which the insurer is subject.

Consequential Provision

4. The Children's Hearings (Provision of Information by Principal Reporter) (Prescribed Persons) (Scotland) Order 2003(**a**) is revoked.

MAREE TODD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
17th December 2020

(**a**) S.S.I. 2003/424.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify persons who may make a request to the Principal Reporter under section 179A(3) of the Children's Hearings (Scotland) Act 2011 for information about the action taken by the Reporter in relation to certain conduct on the part of a child. The Regulations also specify the conditions under which those persons may request and receive information from the Reporter. The specified conditions restrict the manner in which the requested information may be used by the specified persons.

Regulation 4 of these Regulations revokes the Children's Hearings (Provision of Information by Principal Reporter) (Prescribed Persons) (Scotland) Order 2003 ("the 2003 Order") which was made under section 53 of the Criminal Justice (Scotland) Act 2003 (asp 7) ("the 2003 Act"). The 2003 Order lapsed upon the repeal of section 53 of the 2003 Act by section 27(3) of the Age of Criminal Responsibility (Scotland) Act 2019.

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