



The Scottish Parliament
Pàrlamaid na h-Alba

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Equalities, Human Rights and Civil Justice Committee

The Independent Reviewer (Modification of Functions) (Scotland) Regulations 2021 [draft]



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Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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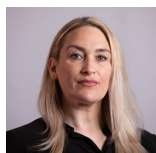
Committee Membership



Convener
Joe FitzPatrick
Scottish National Party



Deputy Convener
Maggie Chapman
Scottish Green Party



Karen Adam
Scottish National Party



Pam Duncan-Glancy
Scottish Labour



Pam Gosal
Scottish Conservative
and Unionist Party



Fulton MacGregor
Scottish National Party



Alexander Stewart
Scottish Conservative
and Unionist Party

Introduction

1. At its meeting on 30 November 2021, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
 - The Independent Reviewer (Modification of Functions) (Scotland) Regulations 2021 [draft]
2. The instrument is subject to the affirmative procedure (Rule 10.6).

The Independent Reviewer (Modification of Functions) (Scotland) Regulations 2021 [draft]

3. The draft SSI was laid before the Scottish Parliament on 7 October 2021 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The Independent Reviewer (IR) was established under the Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”). The IR’s functions include reviewing information which relates to behaviour which took place when a person was under the age of 12 and determining whether or not that information ought to be included on an enhanced disclosure certificate or a Protection of Vulnerable Groups scheme record.
5. The policy intention is that information relating to behaviour that occurred when an individual was under the age of 12 may be disclosed but only following approval by the IR. The purpose of these Regulations is to modify the functions of the IR so that they can effectively carry out their duties in respect of information which is received from other jurisdictions of the UK.

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [26 October 2021](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Equalities, Human Rights and Civil Justice Committee consideration

7. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the Regulations should be approved.
8. The Minister for Children and Young People ("the Minister"), Clare Haughey MSP, has, by motion [S6M-01632](#) proposed that the Committee recommends the approval of the Regulations.
9. The Committee took evidence from the Minister at its meeting on 30 November 2021.
10. Following the evidence session, the Minister moved motion S6M-01632—That the Equalities, Human Rights and Civil Justice Committee recommends that the Independent Reviewer (Modification of Functions) (Scotland) Regulations 2021 [draft] be approved.
11. The motion was agreed to without division or dissent.
12. The Equalities, Human Rights and Civil Justice Committee recommends to the Scottish Parliament that the Independent Reviewer (Modification of Functions) (Scotland) Regulations 2021 [draft] be approved.

