



# Regulatory Reform (Scotland) Act 2014

## 2014 asp 3

### PART 3

#### ENVIRONMENTAL REGULATION

#### CHAPTER 3

#### COURT POWERS

##### *Publicity orders*

#### **36 Power to order conviction etc. for offence to be publicised**

- (1) This section applies where a person is convicted by a court of a relevant offence.
- (2) The court may, instead of or in addition to dealing with the person in any other way, make an order (a “publicity order”) requiring the person to publicise in a specified manner—
  - (a) the fact that the person has been convicted of the relevant offence,
  - (b) specified particulars of the offence,
  - (c) specified particulars of any other sentence passed by the court in respect of the offence.
- (3) A publicity order is to be taken to be a sentence for the purposes of any appeal.
- (4) The court may make a publicity order—
  - (a) at its own instance, or
  - (b) on the motion of the prosecutor.
- (5) In deciding on the terms of a publicity order that it proposes to make, the court must have regard to any representations made by the prosecutor or by or on behalf of the person.
- (6) A publicity order—

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**Changes to legislation:** There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Section 36. (See end of Document for details)

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- (a) must specify a period within which the requirement to publicise the matters mentioned in paragraphs (a) to (c) of subsection (2) are to be complied with, and
  - (b) may require the convicted person to supply SEPA, within a specified period, with evidence that that requirement has been complied with.
- (7) In subsections (2) and (6), “specified”, in relation to a publicity order, means specified in the order.
- (8) A person who fails to comply with a publicity order commits an offence.
- (9) A person who commits an offence under subsection (8) is liable—
- (a) on summary conviction, to a fine not exceeding £40,000,
  - (b) on conviction on indictment, to a fine.

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**Commencement Information**

**II** S. 36 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Section 36.