



Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018

2018 asp 14

PART 3

DISREGARDING CERTAIN CONVICTIONS FOR HISTORICAL SEXUAL OFFENCES

10 Removal of disregarded convictions from official records

- (1) Where a disregard for a conviction for a historical sexual offence has taken effect (see sections 7(5) and 8(7)), the Scottish Ministers must—
 - (a) where they are the relevant record keeper in relation to any official records held by them, remove all references to the disregarded conviction contained in those official records (and, where the disregard has effect by virtue of section 8(7), give notice of the removal to the person who has the disregarded conviction), and
 - (b) require every other relevant record keeper to remove all references to the disregarded conviction contained in official records held by the keeper.
- (2) A relevant record keeper issued with a requirement under subsection (1)(b) must—
 - (a) comply with the requirement as soon as reasonably practicable (but no earlier than the day on which the disregard takes effect), and
 - (b) give notice of the removal to the person who has the disregarded conviction.
- (3) The Scottish Ministers may, by regulations, prescribe the manner in which references to disregarded convictions are to be removed from official records in pursuance of this section.
- (4) Regulations may, in particular, provide that removal from records means recording with the details of the conviction—
 - (a) the fact that it is a disregarded conviction, and
 - (b) the effect of it being a disregarded conviction.
- (5) A “relevant record keeper” means such person as may be prescribed in regulations made by the Scottish Ministers (and may, in particular, include the Scottish Ministers acting in their capacity as the holder of official records of a type so prescribed).