

These notes relate to the Management of Offenders (Scotland) Act 2019 (asp 14) which received Royal Assent on 30 July 2019

MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 2 – Disclosure of Convictions

Rules relating to disclosure

Section 20 - Table A – disclosure periods: ordinary cases

88. Section 20 amends the 1974 Act so as to insert a new section 5A, containing Table A into the 1974 Act.
89. This new Table A sets out the revised disclosure periods and sentence bands for custodial sentences, fines and compensation orders. It maintains the current disclosure period for an endorsement for a road traffic offence, which is currently captured by the last entry in existing table A. It also sets out a revised ‘default’ disclosure period of 12 months (6 months for persons under 18 at date of conviction) for any sentence not mentioned in Table A, Table B, section 5(2D) or any sections 5C to 5J.
90. New Table A provides a disclosure period for those who are under 18 at the date of their conviction. This is done by halving the “buffer period” attached to the length of the custodial sentence rather than halving the rehabilitation period under the current 1974 Act. This approach is necessary because of the way disclosure periods for custodial sentences will be calculated under a reformed 1974 Act. That is the length of sentence plus a buffer period rather than a set disclosure period associated with a sentence band.