

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 22- Disclosure period: caution for good behaviour

93. Section 22(2) inserts a new section 5C after section 5B. New section 5C provides a disclosure period for a person who is ordained to find caution for good behaviour, (sentence provided for under section 227 of the 1995 Act). A “bond of caution” is a sum of money lodged with the court by the person who has been convicted, as security of their being of “good behaviour” for a certain stated period, (“the caution period”). If the individual is of good behaviour for the specified period, the money is returned and the sentence has been served. The person is required to disclose their conviction for a period of 6 months from the date of conviction (three months if under 18) or, if longer, the length of the caution period.
94. The current disclosure period for such an order, no matter what the age of a person, is one year or the length of the order, whichever is the longer.