

# **MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019**

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## **EXPLANATORY NOTES**

### **THE STRUCTURE AND A SUMMARY OF THE ACT**

#### **Part 2 – Disclosure of Convictions**

#### **Rules relating to disclosure**

##### ***Section 24 - Disclosure period: adjournment or deferral***

101. Section 24(1) provides for further amendments to be made to the 1974 Act.
102. Section 24(2) inserts a new section 5E after section 5D. Section 5E provides that adjournments and deferrals are to be treated as a sentence for the purposes of the 1974 Act. The disclosure period is set out by section 5E(2) of the 1974 Act and is a period beginning with the date of conviction and ending on the date a ‘relevant sentence’ in respect of the conviction is imposed on the person.
103. Section 5E(3) of the 1974 Act defines a ‘relevant sentence’ as any sentence which is not an adjournment or a deferral. This means that once a person is given the ‘relevant sentence’ for being convicted of the offence the disclosure period will be determined by that sentence, (e.g a fine or CPO), and will run from the date of conviction for that disposal. For the purposes of disclosure under the Police Act 1997, this provision means that a person’s conviction will be disclosed, even if sentence is deferred or the case is adjourned, from the date of conviction.