



# Management of Offenders (Scotland) Act 2019

2019 asp 14

## PART 2

### DISCLOSURE OF CONVICTIONS

#### *Transitional, schedule and definition*

#### **37 Transitional provision**

- (1) Any amendment of the 1974 Act by a provision of this Part referring in any way to a sentence applies in relation to a sentence imposed in respect of a conviction before the date on which the provision comes into force (as well as in respect of a conviction on or after that date).
- (2) Any amendment of the 1974 Act by a provision of this Part referring to a conviction applies in relation to a conviction before the date on which the provision comes into force (as well as in relation to a conviction on or after that date).
- (3) Subsection (2) applies to the court's convicting of a person as it applies to a conviction.
- (4) The 1974 Act applies as if the amendments mentioned in subsections (1) and (2) had always had effect (but see the remaining provisions of this section).
- (5) Subsection (6) applies where, by virtue of subsection (4), a person—
  - (a) would have been treated as a rehabilitated person for the purposes of the 1974 Act, and
  - (b) would have been so treated by virtue of an amendment of that Act made by a provision mentioned in subsection (1) or (2) before the date on which the provision comes into force.
- (6) The person is, subject to any order made under section 4(4) or 7(4) of the 1974 Act, to be treated on and after that date as a protected person (within the meaning of that Act as amended by this Act).
- (7) Subsection (8) applies where, by virtue of subsection (4), a conviction—

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*Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 37. (See end of Document for details)*

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- (a) would have been treated as spent for the purposes of the 1974 Act, and
  - (b) would have been so treated by virtue of an amendment of that Act made by a provision mentioned in subsection (1) or (2) before the date on which the provision comes into force.
- (8) The conviction is, subject to any order made under section 4(4) or 7(4), to be treated on and after that date as a spent conviction.
- (9) In subsections (5)(b) and (7)(b), the references to subsection (2) include references to that subsection as applied in subsection (3).

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**Commencement Information**

**II** S. 37 in force at 30.11.2020 by S.S.I. 2020/245, reg. 2, sch. (with reg. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 37.