

EXPLANATORY NOTES

MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

INTRODUCTION

THE ACT

THE STRUCTURE AND A SUMMARY OF THE ACT

PART 1 – ELECTRONIC MONITORING ETC.

Monitoring in criminal proceedings

Section 1 – Requirement when disposing of case

Section 2 – Particular rules regarding disposals

Section 3 - List of the relevant disposals

Section 4 - More about the list of disposals

Monitoring on release on parole

Section 5 - Requirement with licence conditions

Section 6 – Particular rules regarding conditions

Section 7 – List of the relevant conditions

Devices, use and information

Section 8 – Approved devices to be prescribed

Section 9 – Use of devices and information

Arrangements and designation

Section 10 – Arrangements for monitoring system

Section 11 – Designation of person to do monitoring

Obligations and compliance

Section 12 – Standard obligations

Section 13 – Deemed breach of disposal or conditions

Section 14 – Documentary evidence at breach hearings

SSI procedure and schedule

Section 15 – Procedure for making regulations

Section 16 – Additional and consequential provisions

PART 2 – DISCLOSURE OF CONVICTIONS

Rules relating to disclosure

Section 17 - Effect of expiry of disclosure periods

Section 18 - Sentences excluded from becoming spent

Section 19 - Disclosure periods for particular sentences

Section 20 - Table A – disclosure periods: ordinary cases

Section 21 - Table B – disclosure periods: service sentences

Section 22- Disclosure period: caution for good behaviour

Section 23 - Disclosure period: particular court orders

Section 24 - Disclosure period: adjournment or deferral

Section 25 - Disclosure period: mental health orders

Section 26 - Disclosure period: compulsion orders

Section 27 – Disclosure period: juvenile offenders

Section 28 – Disclosure period: service discipline

Section 29 - Sentences to which no disclosure period applies

Section 30 - Disclosure periods applicable to convictions

Regulation-making and other powers

Section 31 – Powers as to alternatives to prosecution

Section 32 – How particular powers are exercisable

Section 33 – Excluded sentences: applications for convictions to be treated as spent

Section 34 – Regulations under section 33: general details

Section 35 – Regulations under section 33: appropriate period

Section 36 – Regulations under sections 33 and 35: procedure etc.

Transitional, schedule and definition

Section 37 – Transitional provision

Section 38 – Remainder of amendments

Section 39 – Meaning of the 1974 Act

PART 3 – THE PAROLE BOARD

Independence and governance

Section 40 – Continued independence of action

Section 41 – Administrative arrangements

Membership and appointment

Section 42 – Mandatory categories of member

Section 43 – Appointment to be for fixed period

Section 44 – Further appointment to membership

Automatic reappointment

Section 45 – References to the chairperson

Section 46 – Amendment of oversight provisions

Section 47 – Repeal of statutory provisions

PART 4 – PRISONERS: CONTROL OF RELEASE, BEING UNLAWFULLY AT LARGE ETC.

Section 48 – Release on licence under section 3AA of the 1993 Act

Section 49 – Release timed to benefit re-integration

Section 50 – Representations by certain recalled prisoners

Section 51 – Frequency of review of particular decisions

Section 52 – Parole Board decisions: consideration of impact on prisoner's family

Section 53 – Re-release after revocation of licences generally

Section 54 – Long-term prisoners due for removal from the UK

Section 55 – Temporary release on licence under prison rules

Section 56 – Co-operation between public authorities

Section 57 – Operating protocol for release on licence under section 3AA of the 1993 Act

Section 58 – Parole Board recommendations: publication of test

Section 59 – Offence of remaining unlawfully at large

Section 60 – Arrest where unlawfully at large

PART 5 – FINAL PROVISIONS

These notes relate to the Management of Offenders (Scotland) Act 2019 (asp 14)

Section 61 – Meaning of the 1993 Act

Section 62 – Ancillary provision

Section 63 - Commencement

SCHEDULES

Schedule 1 (*introduced by section 16*) – Court orders and electronic monitoring

PART 1 – ADDITIONAL PROVISIONS

Certain restrictive measures

Notification, reports and addresses

PART 2 – CONSEQUENTIAL PROVISIONS

Schedule 2 (introduced by section 34)

PARLIAMENTARY HISTORY