

*These notes relate to the Historical Sexual Offences (Pardons and Disregards)
(Scotland) Act 2018 (asp 14) which received Royal Assent on 11 July 2018*

HISTORICAL SEXUAL OFFENCES (PARDONS AND DISREGARDS) (SCOTLAND) ACT 2018

EXPLANATORY NOTES

THE ACT

Part Three – Disregarding Certain Convictions for Historical Sexual Offences

Section 5 – Application to have conviction for historical sexual offence disregarded

21. **Section 5(1)** provides that a person who has been convicted of a historical sexual offence can apply to the Scottish Ministers to have that conviction disregarded.
22. **Section 5(2)** sets out the information that a person making an application for a disregard is required to provide. It is intended that guidance for potential applicants will be published when the disregard scheme comes into effect, setting out in more detail exactly what information they are required to provide in an application.
23. **Section 5(3)** gives discretion to an applicant to include any other information which they wish the Scottish Ministers to consider when determining their application. It would be a matter for the applicant to decide what other information could be useful to Ministers in considering their application. It could include, for example, information from any third person who witnessed the incident which led to the applicant's conviction, or can otherwise confirm or support the applicant's account of what happened.