

*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 8 – Appeals

30. **Section 8** provides that a person whose application for a disregard under section 5(1) has been refused may, with leave, appeal against the decision to the sheriff.
31. **Section 8(3)** provides that, in deciding an appeal, the sheriff may only take account of representations and information that were available to the Scottish Ministers when determining the application. If the applicant wishes to put new material forward, it would be open to them to submit a fresh application.
32. **Section 8(4)**, read with section 8(5), provides that if it appears to the sheriff that the offence for which the applicant was convicted was not a “historical sexual offence” or that the conduct constituting the historical sexual offence would still be an offence, the sheriff must dismiss the appeal. Otherwise, the sheriff must allow the appeal.
33. **Section 8(8)** provides that an appeal against a refusal to grant a disregard is to be made in the sheriffdom where the appellant resides; or, where the appellant does not reside in Scotland, in the sheriffdom of Lothian and Borders at Edinburgh.