

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

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part Three – Disregarding Certain Convictions for Historical Sexual Offences**

##### ***Section 9 – Effect of disregard***

34. **Section 9** sets out the effect in law of the granting of a disregard.
35. **Section 9(2)** provides that where a disregard is granted, the applicant is to be treated for all purposes as not having committed the offence, been charged with, or prosecuted for, the offence, been convicted of the offence, or been sentenced for the offence.
36. **Section 9(3)** provides that details of disregarded convictions cannot be used in any judicial proceeding, as defined at section 9(6), nor in any such proceedings can the individual be asked about or be required to answer questions about any disregarded conviction, or circumstances ancillary to it, as defined at section 9(7). In addition to court proceedings, judicial proceedings include proceedings before a statutory tribunal, arbiter appointed under an arbitration agreement or professional regulatory body.
37. **Section 9(4)** provides that questions put to a person in any other context (for example, by a prospective employer or as part of a process for applying for insurance or for a loan) asking about a person's past convictions, offences, or conduct are not to be treated as including any reference to a disregarded conviction and the failure to provide details relating to a disregarded conviction cannot lead to any consequent liability on the part of the individual.
38. **Section 9(5)** provides that any obligation under any law or other agreement or arrangement to disclose any matters (such as offences) will not apply to such disregarded convictions or associated details.