



Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018

2018 asp 14

PART 4

GENERAL

13 Application of Act to conduct dealt with otherwise than by prosecution

- (1) This Act applies in relation to any conduct constituting a historical sexual offence in respect of which an alternative to prosecution has been given as it applies to conduct in respect of which a person is convicted.
- (2) Accordingly—
 - (a) references in this Act to “conviction” and “convicted” are to be read as including references to, or to being given, an alternative to prosecution,
 - (b) references to a sentence imposed include a reference to the giving of an alternative to prosecution.
- (3) For the purposes of this Act, an alternative to prosecution has been given in respect of conduct constituting an offence if a person—
 - (a) has been given a warning in respect of the conduct by a constable or a procurator fiscal,
 - (b) has accepted, or is deemed to have accepted, a conditional offer issued in respect of the conduct under section 302 of the Criminal Procedure (Scotland) Act 1995, or
 - (c) has accepted an offer made by a procurator fiscal in respect of the conduct to undertake an activity or treatment or to receive services or do any other thing as an alternative to prosecution.
- (4) For the purposes of this Act—
 - (a) any ground for referral of a child’s case under section 32(2)(g) of the Social Work (Scotland) Act 1968 or section 52(2)(i) of the Children (Scotland) Act 1995 that has been accepted or established (or deemed established) is to be treated as a conviction, and
 - (b) any disposal of such a case by a children’s hearing is to be treated as a sentence.