

## **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*

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### **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**