

These notes relate to the Management of Offenders (Scotland) Act 2019 (asp 14) which received Royal Assent on 30 July 2019

MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 2 – Disclosure of Convictions

Rules relating to disclosure

Section 18 - Sentences excluded from becoming spent

71. Section 18 of the Bill amends section 5(1) of the 1974 Act, which sets out sentences that are ‘excluded sentences’ for the purposes of the 1974 Act. An excluded sentence, as noted, is one which cannot become spent under the 1974 Act, and so is excluded from the protections of the 1974 Act.
72. Section 18 amends section 5(1) of the 1974 Act to change when certain custodial sentences become excluded sentences, from a period of 30 months to a period of 48 months. This means that convictions attracting a sentence of up to and including a period of 48 months will now be capable of becoming spent.
73. Section 18 also contains provision to remove references in section 5(1) to repealed disposals, such as under the Criminal Procedure (Scotland) Act 1975; to update the references in section 5(1) to reflect current disposals available to the courts under the Criminal Procedure (Scotland) Act 1995; and repeal references to disposals which are not available to Scottish courts. However, no changes are made to disposals specified under the Armed Forces Act 2006.