Management of Offenders (Scotland) Act 2019

2019 asp 14

PART 2

DISCLOSURE OF CONVICTIONS

Regulation-making and other powers

31 Powers as to alternatives to prosecution

(1) The 1974 Act is amended as follows.

(2) After section 8B there is inserted—

"**8C Modification of section 8B and schedule 3: Scotland**

(1) The Scottish Ministers may by regulations modify the list of circumstances in section 8B(1) in which a person is given an alternative to prosecution by—
   (a) amending an entry,
   (b) removing an entry,
   (c) adding an entry.

(2) The Scottish Ministers may by regulations modify paragraph 1 of schedule 3 by—
   (a) amending provision specifying when an alternative to prosecution becomes spent,
   (b) removing provision specifying when an alternative to prosecution becomes spent,
   (c) adding provision specifying when an alternative to prosecution becomes spent.

(3) Regulations under this section—
   (a) may make different provision for different purposes,
   (b) are subject to the affirmative procedure.".

Commencement Information

I1 S. 31 in force at 30.11.2020 by S.S.I. 2020/245, reg. 2, **sch.** (with reg. 3)

32 How particular powers are exercisable

(1) The 1974 Act is amended as follows.

(2) After section 10 there is inserted—

"**10A Order-making powers: Scottish Ministers**

(1) Any power exercisable by the Scottish Ministers to make an order under this Act includes power—

(a) to make different provision for different purposes,

(b) to make incidental, supplementary, consequential, transitional, transitory or saving provision.

(2) To the extent that the power to make an order under section 5(11) is exercisable by the Scottish Ministers, that power includes power exercisable by the Scottish Ministers to make consequential provision modifying any enactment (including this Act).".

Commencement Information

I2 S. 32 in force at 21.12.2019 by S.S.I. 2019/413, **reg. 2(a)**

Changes to legislation:
There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Regulation-making and other powers.