



Management of Offenders (Scotland) Act 2019 2019 asp 14

PART 2

DISCLOSURE OF CONVICTIONS

Transitional, schedule and definition

37 Transitional provision

- (1) Any amendment of the 1974 Act by a provision of this Part referring in any way to a sentence applies in relation to a sentence imposed in respect of a conviction before the date on which the provision comes into force (as well as in respect of a conviction on or after that date).
- (2) Any amendment of the 1974 Act by a provision of this Part referring to a conviction applies in relation to a conviction before the date on which the provision comes into force (as well as in relation to a conviction on or after that date).
- (3) Subsection (2) applies to the court's convicting of a person as it applies to a conviction.
- (4) The 1974 Act applies as if the amendments mentioned in subsections (1) and (2) had always had effect (but see the remaining provisions of this section).
- (5) Subsection (6) applies where, by virtue of subsection (4), a person—
 - (a) would have been treated as a rehabilitated person for the purposes of the 1974 Act, and
 - (b) would have been so treated by virtue of an amendment of that Act made by a provision mentioned in subsection (1) or (2) before the date on which the provision comes into force.
- (6) The person is, subject to any order made under section 4(4) or 7(4) of the 1974 Act, to be treated on and after that date as a protected person (within the meaning of that Act as amended by this Act).
- (7) Subsection (8) applies where, by virtue of subsection (4), a conviction—

Status: This is the original version (as it was originally enacted).

- (a) would have been treated as spent for the purposes of the 1974 Act, and
 - (b) would have been so treated by virtue of an amendment of that Act made by a provision mentioned in subsection (1) or (2) before the date on which the provision comes into force.
- (8) The conviction is, subject to any order made under section 4(4) or 7(4), to be treated on and after that date as a spent conviction.
- (9) In subsections (5)(b) and (7)(b), the references to subsection (2) include references to that subsection as applied in subsection (3).

38 **Remainder of amendments**

Schedule 2 makes minor and consequential amendments to the 1974 Act (including changes to certain terminology).

39 **Meaning of the 1974 Act**

In this Part, “the 1974 Act” means the Rehabilitation of Offenders Act 1974.