
Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, SCHEDULE 2. (See end of Document for details)

SCHEDULE 2

(introduced by section 38)

REHABILITATION OF OFFENDERS ACT 1974

- 1 (1) The 1974 Act is amended as follows.
- (2) In section 1—
 - (a) in subsection (2), for the word “rehabilitated” in both places where it occurs there is substituted “ protected ”,
 - (b) in subsection (3), after paragraph (za) there is inserted—
 - “(zb) a hospital direction under section 59A of the Criminal Procedure (Scotland) Act 1995;
 - (zc) a victim surcharge imposed under section 253F of the Criminal Procedure (Scotland) Act 1995;”
 - (c) in subsection (4), for the word “rehabilitated” there is substituted “ protected ”,
 - (d) after subsection (4) there is inserted—

“(4A) In this Act, an “excluded sentence” is a sentence listed in section 5(1).”
- (3) In the title of section 1, for the word “Rehabilitated” there is substituted “ Protected ”.
- (4) In the title of section 2, the words “Rehabilitation of” are repealed.
- (5) In the title of section 3, the words “under the Social Work (Scotland) Act 1968” are repealed.
- (6) In section 4, in subsection (1), for the word “rehabilitated” there is substituted “ protected ”.
- (7) In the title of section 4, for the word “rehabilitation” there is substituted “ becoming a protected person ”.
- (8) In section 5—
 - (a) in subsection (1)—
 - (i) for the words “excluded from rehabilitation under” there is substituted “ which are excluded sentences for the purposes of ”,
 - (ii) for the words “sentence subject to rehabilitation under this Act” there is substituted “ disclosable sentence ”,
 - (b) after subsection (1A) there is inserted—

“(1B) In subsection (1), “disclosable sentence” means a sentence imposed in relation to a conviction in respect of which a person may, under this Act, become a protected person.”
- (9) In the title of section 5, for the word “Rehabilitation” there is substituted “ Disclosure ”.
- (10) In section 6—
 - (a) in subsection (1)—
 - (i) the words from “(not” to “Act)” are repealed,
 - (ii) for the word “rehabilitation” in the second place where it occurs there is substituted “ disclosure ”,

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- (b) in subsection (2)—
 - (i) the words from “and” to “Act,” are repealed,
 - (ii) for “rehabilitation” in the second place where it occurs there is substituted “ disclosure ”,
 - (c) after subsection (2) there is inserted—
 - “(2A) In subsections (1) and (2), the references to sentences do not include excluded sentences.”,
 - (d) in subsection (3A)—
 - (i) for the word “rehabilitation” in each place where it occurs there is substituted “ disclosure ”,
 - (ii) for the word “rehabilitated” there is substituted “ protected ”.
- (11) In the title of section 6, for the word “rehabilitation” there is substituted “ disclosure ”.
- (12) In section 7, in subsection (1)(d)—
 - (a) for the words “or other penalty” there is substituted “ requirement, restriction or other way of regulating the person's behaviour ”,
 - (b) for the word “rehabilitation” there is substituted “ disclosure ”.
- (13) In the title of section 7, for the words “rehabilitation under this Act, etc.” there is substituted “ protection under section 4(1) ”.
- (14) In section 8, in subsection (1), for the word “rehabilitated” there is substituted “ protected ”.
- (15) In section 9—
 - (a) in subsection (1), for the words “rehabilitated living person” there is substituted “ living protected person ”,
 - (b) in subsection (3)—
 - (i) in paragraph (a), for the word “rehabilitated” in both places where it occurs there is substituted “ protected ”,
 - (ii) in paragraph (b), for the word “rehabilitated” in both places where it occurs there is substituted “ protected ”.
- (16) In schedule 1, in paragraph 1, for the words “period of rehabilitation” there is substituted “ disclosure period ”.
- (17) In schedule 2—
 - (a) in paragraph 1(3)(a) and (b), for the word “rehabilitation” in each place where it occurs there is substituted “ disclosure ”,
 - (b) in paragraph 5(b), for the word “rehabilitation” there is substituted “ disclosure ”.
- (18) In schedule 3, in paragraph 1—
 - (a) in sub-paragraph (5), for the word “rehabilitation” in both places where it occurs there is substituted “ disclosure ”,
 - (b) in sub-paragraph (6), for the word “rehabilitation” in both places where it occurs there is substituted “ disclosure ”.

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Commencement Information

II Sch. 2 para. 1 in force at 30.11.2020 by S.S.I. 2020/245, reg. 2, **sch.** (with reg. 3)

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