



Management of Offenders (Scotland) Act 2019

2019 asp 14

PART 2

DISCLOSURE OF CONVICTIONS

Rules relating to disclosure

17 Effect of expiry of disclosure periods

- (1) The Rehabilitation of Offenders Act 1974 (“the 1974 Act”) is amended as follows.
- (2) In section 1, for subsection (1) there is substituted—
- “(1) Subsections (1A) and (1B) apply where—
- (a) an individual has at any time been convicted of any offence, and
 - (b) an excluded sentence was not imposed on the individual in respect of the conviction.
- (1A) After the expiry of the disclosure period applicable to the conviction in accordance with section 6 (including any extension under subsection (4) of that section)—
- (a) the individual is, for the purposes of this Act, to be treated as a protected person in respect of the conviction, and
 - (b) the conviction is, for the purposes of this Act, to be treated as spent.
- (1B) But where the disclosure period so applicable expired before commencement of this Act, the individual and conviction are to be treated as mentioned in subsection (1A) from the date of commencement of this Act.
- (1C) Subsections (1) to (1B) are subject to subsections (2), (5) and (6).”

Commencement Information

II S. 17 in force at 30.11.2020 by S.S.I. 2020/245, reg. 2, sch. (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 17.