



Management of Offenders (Scotland) Act 2019

2019 asp 14

PART 2

DISCLOSURE OF CONVICTIONS

Rules relating to disclosure

19 Disclosure periods for particular sentences

- (1) The 1974 Act is amended as follows.
- (2) In section 5, for subsections (2) to (10) there is substituted—
 - “(2A) For the purposes of this Act, the disclosure period applicable to a sentence specified in the first column of Table A is—
 - (a) where the sentence was imposed on a person who was 18 years of age or older at the date of the conviction in respect of which the sentence was imposed, the period specified in the second column of Table A in relation to that sentence,
 - (b) where the sentence was imposed on a person who was under 18 years of age at the date of the conviction in respect of which the sentence was imposed, the period specified in the third column of Table A in relation to that sentence.
 - (2B) For the purposes of subsection (2A), the disclosure period applicable to a sentence is to be reckoned from the date of the conviction in respect of which the sentence was imposed.
 - (2C) Subsection (2A) applies to Table B as it applies to Table A.
 - (2D) This subsection applies to a sentence which is—
 - (a) not dealt with in—
 - (i) subsections (1) to (2C) (including in Table A or Table B), or
 - (ii) any of sections 5C to 5J,

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- (b) imposed on a person in respect of a conviction, and
- (c) given by way of an order—
 - (i) imposing on the person any disqualification, disability, prohibition, requirement or restriction, or
 - (ii) which is otherwise intended to regulate the person's behaviour.

(2E) The disclosure period applicable to a sentence to which subsection (2D) applies is—

- (a) in the case of an order—
 - (i) containing provision enabling the date on which the disqualification, disability, prohibition, requirement, restriction or regulation (as the case may be) ceases or ceased to have effect to be determined, or
 - (ii) containing provision for the disqualification, disability, prohibition, requirement, restriction or regulation (as the case may be) to have effect for an indefinite period (including the lifetime of a person) or without limit of time,

the period beginning with the date of the conviction and ending on the date on which the disqualification, disability, prohibition, requirement, restriction or regulation (as the case may be) ceases or ceased to have effect,
- (b) in the case of any other order, a period of 2 years beginning with the date of the conviction.

(2F) For the purposes of this section—

- (a) consecutive terms of—
 - (i) imprisonment or other custodial sentences, or
 - (ii) detention under section 209 of the Armed Forces Act 2006,

are to be treated as a single term,
- (b) terms of imprisonment, or of detention, which are—
 - (i) wholly or partly concurrent, and
 - (ii) imposed in respect of offences of which a person was convicted in the same proceedings,

are to be treated as a single term,
- (c) no account is to be taken of any subsequent variation, made by a court in dealing with a person in respect of a suspended sentence of imprisonment, of the term originally imposed, and
- (d) a sentence imposed by a court outwith Scotland is to be treated as the sentence mentioned—
 - (i) in this section,
 - (ii) in Table A or Table B, or
 - (iii) in any of sections 5C to 5J,

to which it most closely corresponds.

(2G) References in this section, Table A, sections 5D to 5H and section 5J to a sentence provided for in a particular enactment include references to any sentence of a kind superseded (whether directly or indirectly) by such a sentence.”.

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(3) In subsection (11)—

- (a) in paragraph (a), for “(8) above” there is substituted “ (2E), in Table A or Table B or in any of sections 5C, 5D, 5H and 5I; ”,
- (b) in paragraph (b), for “(2)(a) above” there is substituted “ (2A) ”.

(4) After subsection (11) there is inserted—

“(12) In this section—

“Table A” means the table in section 5A,

“Table B” means the table in section 5B,

“custodial sentence” means—

- (a) a sentence of imprisonment,
- (b) a sentence of detention under section 44, 207 or 208 of the Criminal Procedure (Scotland) Act 1995,
- (c) a sentence of Borstal training,
- (d) a sentence of corrective training,

“sentence of imprisonment” includes a sentence of penal servitude (and references to terms of imprisonment are to be read accordingly).”.

Commencement Information

II [S. 19](#) in force at 30.11.2020 by [S.S.I. 2020/245](#), [reg. 2](#), [sch.](#) (with [reg. 3](#))

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