



Management of Offenders (Scotland) Act 2019

2019 asp 14

PART 2

DISCLOSURE OF CONVICTIONS

Rules relating to disclosure

28 Disclosure period: service discipline

- (1) The 1974 Act is amended as follows.
- (2) After section 5H (inserted by section 27) there is inserted—

“5I Disclosure period: service disciplinary orders

- (1) Where, in respect of a conviction, a service community order, or an overseas community order, under the Armed Forces Act 2006 was made, the disclosure period applicable to the sentence is—
 - (a) where the person was 18 years of age or older at the date of the conviction, 5 years from the date of the conviction,
 - (b) where the person was under 18 years of age at the date of the conviction, whichever is the longer of—
 - (i) 2½ years from the date of the conviction,
 - (ii) a period beginning with that date and ending when the order in question ceases or ceased to have effect.
- (2) Where, in respect of a conviction, a community supervision order under schedule 5A of the Army Act 1955 or the Air Force Act 1955 or under schedule 4A of the Naval Discipline Act 1957 was imposed, the disclosure period applicable to the sentence is whichever is the longer of—
 - (a) 1 year from the date of the conviction,
 - (b) a period beginning with that date and ending when the order ceases or ceased to have effect.

Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 28. (See end of Document for details)

- (3) Where, in respect of a conviction, an order under section 211 of the Armed Forces Act 2006 was made in respect of a person, the disclosure period applicable to the sentence is—
- (a) where the person was 15 years of age or older at the date of the conviction—
 - (i) 5 years if the order was for a term exceeding 6 months,
 - (ii) 3½ years if the order was for a term of 6 months or less,
 - (b) where the person was under 15 years of age at the date of the conviction, a period beginning with that date and ending 1 year after the date on which the order ceases to have effect.”.

Commencement Information

II S. 28 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 28.