

*These notes relate to the Disclosure (Scotland) Act 2020
(asp 13) which received Royal Assent on 14 July 2020*

DISCLOSURE (SCOTLAND) ACT 2020

EXPLANATORY NOTES

PROVISION BY PROVISION COMMENTARY

Schedule 2: List B offences

193. This schedule contains the list of offences that must be disclosed until they become non-disclosable within the meaning of section 9, or until removed following a successful review application to Ministers or the independent reviewer, or after an appeal to the sheriff. It has three Parts. Part 1 lists common law offences at paragraphs 1 to 18. Part 2 lists statutory offences at paragraphs 19 to 103, and statutory aggravations¹ at paragraphs 104 and 105. Part 3 covers common law aggravations (106 and 107), inchoate offences (108 and 109), superseded offences (110), combined offences (111), and corresponding offences from elsewhere in the UK or abroad (112). List B replaces and amends the list of offences in schedule 8B of the 1997 Act.

¹ Paragraphs 104 and 105 have the effect of promoting any offence (other than a List A offence) which is not in List B to schedule 2 when the conditions there apply. For instance, an offence which did not appear in either schedule 1 or schedule 2, but which was racially aggravated, would be treated as a List B offence.