



# Management of Offenders (Scotland) Act 2019

2019 asp 14

## MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

### PART 1

#### ELECTRONIC MONITORING ETC.

##### *Monitoring in criminal proceedings*

- 1 Requirement when disposing of case
- 2 Particular rules regarding disposals
- 3 List of the relevant disposals
- 4 More about the list of disposals

##### *Monitoring on release on parole*

- 5 Requirement with licence conditions
- 6 Particular rules regarding conditions
- 7 List of the relevant conditions

##### *Devices, use and information*

- 8 Approved devices to be prescribed
- 9 Use of devices and information

##### *Arrangements and designation*

- 10 Arrangements for monitoring system
- 11 Designation of person to do monitoring

##### *Obligations and compliance*

- 12 Standard obligations put on monitored persons
- 13 Deemed breach of disposal or conditions
- 14 Documentary evidence at breach hearings

*SSI procedure and schedule*

- 15 Procedure for making regulations
- 16 Additional and consequential provisions

**PART 2**

## DISCLOSURE OF CONVICTIONS

*Rules relating to disclosure*

- 17 Effect of expiry of disclosure periods
- 18 Excluded sentences: convictions prevented from becoming spent
- 19 Disclosure periods for particular sentences
- 20 Table A – disclosure periods: ordinary cases
- 21 Table B – disclosure periods: service sentences
- 22 Disclosure period: caution for good behaviour
- 23 Disclosure period: particular court orders
- 24 Disclosure period: adjournment or deferral
- 25 Disclosure period: mental health orders
- 26 Disclosure period: compulsion orders
- 27 Disclosure period: juvenile offenders
- 28 Disclosure period: service discipline
- 29 Sentences to which no disclosure period applies
- 30 Disclosure periods applicable to convictions

*Regulation-making and other powers*

- 31 Powers as to alternatives to prosecution
- 32 How particular powers are exercisable

*Applications for certain convictions to be treated as spent*

- 33 Excluded sentences: applications for convictions to be treated as spent
- 34 Regulations under section 33: general details
- 35 Regulations under section 33: appropriate period
- 36 Regulations under sections 33 and 35: procedure etc.

*Transitional, schedule and definition*

- 37 Transitional provision
- 38 Remainder of amendments
- 39 Meaning of the 1974 Act

**PART 3**

## THE PAROLE BOARD

*Independence and governance*

- 40 Continued independence of action
- 41 Administrative arrangements

*Membership and appointment*

- 42 Mandatory categories of member
- 43 Appointment to be for fixed period
- 44 Further appointment to membership

- 45 References to the chairperson

*Miscellaneous*

- 46 Amendment of oversight provisions  
47 Repeal of statutory provisions

**PART 4**

PRISONERS: CONTROL OF RELEASE, BEING UNLAWFULLY AT LARGE, ETC.

*Control of release, etc.*

- 48 Release on licence under section 3AA of the 1993 Act  
49 Release timed to benefit re-integration  
50 Representations by certain recalled prisoners  
51 Frequency of review of particular decisions  
52 Parole Board decisions: consideration of impact on prisoner's family  
53 Re-release after revocation of licences generally  
54 Long-term prisoners due for removal from the UK  
55 Temporary release on licence under prison rules  
56 Co-operation between public authorities  
57 Operating protocol for release on licence under section 3AA of the 1993 Act  
58 Parole Board recommendations: publication of test

*Persons unlawfully at large*

- 59 Offence of remaining unlawfully at large  
60 Arrest where unlawfully at large

**PART 5**

FINAL PROVISIONS

- 61 Meaning of the 1993 Act  
62 Ancillary provision  
63 Commencement  
64 Short title

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SCHEDULE 1 — Court orders and electronic monitoring

PART 1 — ADDITIONAL PROVISIONS

- 1 Certain restrictive measures  
2 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...  
3 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...  
4 Notification, reports and addresses  
5 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...

PART 2 — CONSEQUENTIAL PROVISIONS

- 6 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is...  
7 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...  
8 (1) The Crime and Punishment (Scotland) Act 1997 is amended...  
9 (1) The Criminal Justice (Scotland) Act 2003 is amended as...  
10 (1) The Custodial Sentences and Weapons (Scotland) Act 2007 is...

SCHEDULE 2 — Rehabilitation of Offenders Act 1974  
1 (1) The 1974 Act is amended as follows.