
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 378

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No. 2) Order 2022

Amendment of Schedule B1 of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

3.—(1) Schedule B1 (offences which are to be disclosed subject to rules) of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013⁽¹⁾ is amended as follows.

(2) Omit paragraph 1.

(3) After paragraph 5 insert—

“**5A.** Culpable and reckless conduct to the danger of life.”.

(4) Omit paragraphs 8 and 9.

(5) After paragraph 10 insert—

“**10A.** Hijacking.”.

(6) Omit paragraphs 11 and 12.

(7) After paragraph 13 insert—

“**13A.** Piracy.”.

(8) Omit paragraph 16.

(9) After paragraph 17 insert—

“**17A.** Treason.”.

(10) After paragraph 18 insert—

“**18A.** Uttering threats.”.

(11) Omit paragraphs 19 and 21 to 29.

(12) The heading after paragraph 35 becomes—

“Aviation, maritime and spaceflight”.

(13) Before paragraph 36 insert—

“**35A.** An offence under the Piracy Act 1837⁽²⁾.”.

(14) In paragraph 36, for sub-paragraphs (a) and (b) substitute—

“(a) section 1 (hijacking)⁽³⁾,

(b) section 2 (destroying, damaging or endangering safety of aircraft),

(c) section 3 (other acts endangering or likely to endanger safety of aircraft),

⁽¹⁾ S.S.I. 2013/50. Schedule B1 was inserted by S.S.I. 2015/329.

⁽²⁾ 1837 c. 88.

⁽³⁾ 1982 c. 36.

(d) section 4 (offences in relation to certain dangerous articles).”.

(15) After paragraph 36 insert—

“**36A.** An offence under section 9 of the Aviation and Maritime Security Act 1990 (hijacking of ships)(**4**).

36B. An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of an aircraft)(**5**).

36C. An offence under any of the following paragraphs of schedule 4 of the Space Industry Act 2018(**6**)—

- (a) paragraph 1 (hijacking of spacecraft),
- (b) paragraph 2 (destroying, damaging or endangering safety of spacecraft),
- (c) paragraph 3 (other acts of endangering or likely to endanger safety of spacecraft),
- (d) paragraph 5 (offences in relation to certain dangerous articles).”.

(16) Omit paragraphs 37 and 38.

(17) After paragraph 45 insert—

“**Computer misuse**

45A. An offence under any of the following provisions of the Computer Misuse Act 1990(**7**)—

- (a) section 1 (unauthorised access to computer material)(**8**),
- (b) section 2 (unauthorised access with intent to commit or facilitate commission of further offences)(**9**),
- (c) section 3 (unauthorised acts with intent to impair, or with recklessness as to impairing, operation of a computer etc.)(**10**),
- (d) section 3A (making, supplying or obtaining articles for use in an offence under section 1, 3 or 3ZA)(**11**).”.

(18) Omit paragraph 47.

(19) After paragraph 50 insert—

“**50A.** An offence under any of the following provisions of the Psychoactive Substances Act 2016(**12**)—

- (a) section 5 (supplying, or offering to supply, a psychoactive substance),
- (b) section 7 (possession of psychoactive substance with the intent to supply),
- (c) section 8 (importing or exporting a psychoactive substance),
- (d) section 9 (possession of a psychoactive substance in a custodial institution),
- (e) section 48 (offence in relation to enforcement officers).”.

(4) 1990 c. 31.

(5) S.I. 2016/765. Article 265 was amended by S.I. 2019/645.

(6) 2018 c. 5.

(7) 1990 c. 18.

(8) Section 1 was amended by section 35 of the Police and Justice Act 2006 (c. 48) (“the 2006 Act”) and paragraph 7(a) of schedule 4 of the Serious Crime Act 2015 (c. 9) (“the 2015 Act”).

(9) Section 2 was amended by paragraph 17 of schedule 14 of the 2006 Act and paragraph 7(b) of schedule 4 of the 2015 Act.

(10) Section 3 was amended by section 36 of the 2006 Act and paragraph 7(c) of schedule 4 of the 2015 Act.

(11) Section 3A was inserted by section 37 of the 2006 Act and amended by sections 41(3) and 42 and paragraphs 7(d) and 8 of schedule 4 of the 2015 Act. Section 3ZA was inserted by section 41(2) of the 2015 Act.

(12) 2016 c. 2.

(20) In paragraph 56—

(a) omit the “and” immediately following sub-paragraph (d),

(b) after sub-paragraph (e) insert—

“(f) section 28A(7) (certificates: supplementary)(**13**);

(g) section 29 (variation of firearm certificates)(**14**);

(h) section 30D(3) (revocation of certificates: supplementary)(**15**);

(i) section 39 (offences in connection with registration)(**16**);

(j) section 40 (compulsory register of transactions in firearms)(**17**).”.

(21) After paragraph 59 insert—

“**59A.** An offence under section 31 of the Air Weapons and Licensing (Scotland) Act 2015 (false statements, certificate and permits)(**18**).”.

(22) Omit paragraph 62.

(23) For paragraph 63 substitute—

“**63.** An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981(**19**)—

(a) section 18 (offence of reproducing British currency notes),

(b) section 19 (offences of making etc. imitation British coins).”.

(24) After paragraph 64 insert—

“**64A.** An offence under the Fraud Act 2006(**20**).

64B. An offence under section 993 of the Companies Act 2006 (offence of fraudulent trading)(**21**).”.

(25) Omit paragraphs 67 to 69.

(26) Omit paragraph 70(d).

(27) Omit paragraph 73(b) and (c).

(28) After paragraph 74 insert—

“Lasers

74A. An offence under the Laser Misuse (Vehicles) Act 2018(**22**).”.

(29) Omit paragraph 81(b).

(30) After paragraph 88 insert—

“**88A.** An offence under section 75 of the Age of Criminal Responsibility (Scotland) Act 2019(**23**).”.

(13) 1968 c. 27. Section 28A was inserted by paragraph 4(1) of schedule 2 of the Firearms (Amendment) Act 1997 (c. 5) (“the 1997 Act”) and amended by section 131(2) of the Policing and Crime Act 2017 (c. 3).

(14) Section 29 was amended by paragraph 2(2) of schedule 2 of the 1997 Act.

(15) Section 30D was inserted by section 40 of the 1997 Act.

(16) Section 39 was amended by paragraph 2(3) of schedule 2 of the 1997 Act.

(17) Section 40 was amended by sections 13(4) and 23(3) of the Firearms (Amendment) Act 1988 (c. 45), paragraph 8(a) and (b) of the 1997 Act, and paragraph 1 of schedule 5 of the Violent Crime Reduction Act 2006 (c. 38).

(18) 2015 asp 10.

(19) 1981 c. 45.

(20) 2006 c. 35.

(21) 2006 c. 46.

(22) 2018 c. 9.

(23) 2019 asp 7.

- (31) Omit paragraph 89.
- (32) After paragraph 93 insert—
- “**93A.** An offence under any of the following provisions of the Offensive Weapons Act 2019~~(24)~~—
- (a) section 1 (sale of corrosive products to persons under 18),
- (b) section 6 (offence of having a corrosive substance in a public place)~~(25)~~,
- (c) section 11(5) (offences of obstruction and concealment relating to a search for corrosive substances: Scotland).”.
- (33) Omit paragraphs 94 to 96.
- (34) In paragraph 97—
- (a) for sub-paragraph (a) substitute—
- “(a) section 339(1A) (making disclosures otherwise than in the prescribed form and manner)~~(26)~~,”
- (b) omit sub-paragraph (b).
- (35) Omit paragraph 100.
- (36) After paragraph 102 insert—
- “**102A.** An offence under section 68(1) of the Criminal Justice and Public Order Act 1994 (aggravated trespass)~~(27)~~.”.
- (37) In paragraph 103—
- (a) in sub-paragraph (g) for “5(1)(a)” substitute “5(1)”,
- (b) omit the “and” immediately following sub-paragraph (g),
- (c) after sub-paragraph (g) insert—
- “(ga) section 5A (driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit)~~(28)~~.”.
- (38) Omit paragraph 105.
- (39) After paragraph 106 insert—
- “**Threatening or abusive behaviour**
- 106A.** An offence under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 (threatening or abusive behaviour)~~(29)~~.”.
- (40) Omit paragraph 107.
- (41) After paragraph 109 insert—
- “**109A.** An offence under section 1 of the Malicious Communications Act 1988 (sending letters etc. with intent to cause distress or anxiety)~~(30)~~.”.
- (42) For paragraph 110 substitute—

(24) 2019 c. 17.

(25) Section 6 was substituted by paragraph 443(1) of schedule 24 of the Sentencing Act 2020 (c. 17).

(26) 2002 c. 29. Section 339(1A) was inserted by section 105(5) of the Serious Organised Crime and Police Act 2005 (c. 15).

(27) 1994 c. 33. Section 68(1) was amended by paragraph 1 of schedule 3 of the Anti-social Behaviour Act 2003 (c. 38).

(28) 1988 c. 52. Section 5A was inserted by section 56(1) of the Crime and Courts Act 2013 (c. 22).

(29) 2010 asp 13.

(30) 1988 c. 27. Section 1 was amended by section 43 of the Criminal Justice and Police Act 2001 (c. 16), paragraph 90 of schedule 17 of the Communications Act 2003 (c. 21), section 32(1) of the Criminal Justice and Courts Act 2015 (c. 2) and S.I. 2022/500.

“**110.** An offence under any of the following provisions of the Postal Services Act 2000⁽³¹⁾—

(a) section 83 (interfering with the mail: postal operators)⁽³²⁾,

(b) section 85(1) (prohibition on sending certain articles by post).”

(43) Omit paragraph 111(a).

⁽³¹⁾ 2000 c. 26.

⁽³²⁾ Section 83 was amended by S.I. 2018/1417.