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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

**The Police Act 1997 (Offences in Schedules 8A  
and 8B) Amendment (Scotland) Regulations 2022**

**Modification of schedule 8B of the Police Act 1997**

**3.**—(1) Schedule 8B of the Police Act 1997 (offences which are to be disclosed subject to rules)<sup>(1)</sup> is modified as follows.

(2) Paragraph 1 is repealed.

(3) After paragraph 5 insert—

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

(4) Paragraphs 8 and 9 are repealed.

(5) After paragraph 10 insert—

“**10A.** Hijacking.”.

(6) Paragraphs 11 and 12 are repealed.

(7) After paragraph 13 insert—

“**13A.** Piracy.”.

(8) Paragraph 16 is repealed.

(9) After paragraph 17 insert—

“**17A.** Treason.”.

(10) After paragraph 18 insert—

“**18A.** Uttering threats.”.

(11) Paragraphs 19 and 21 to 29 are repealed.

(12) The heading after paragraph 35 becomes—

“*Aviation, maritime and spaceflight.*”.

(13) Before paragraph 36 insert—

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

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

“(a) section 1 (hijacking)<sup>(3)</sup>,

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

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

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

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(1) 1997 c. 50. Schedule 8B was inserted by [S.S.I. 2015/423](#).

(2) 1837 c. 88.

(3) 1982 c. 36.

(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(16) Paragraphs 37 and 38 are repealed.

(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) Paragraph 47 is repealed.

(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).”.

(20) In paragraph 56—

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(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(2) 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.

- (a) the “and” immediately following sub-paragraph (d) is repealed,
- (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) Paragraph 62 is repealed.
- (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) Paragraphs 67 to 69 are repealed.
- (26) Paragraph 70(d) is repealed.
- (27) Paragraph 73(b) and (c) is repealed.
- (28) After paragraph 74 insert—
- “**Lasers**
- “**74A.** An offence under the Laser Misuse (Vehicles) Act 2018(**22**).”.
- (29) Paragraph 81(b) is repealed.
- (30) After paragraph 88 insert—
- “**88A.** An offence under section 75 of the Age of Criminal Responsibility (Scotland) Act 2019(**23**).”.
- (31) Paragraph 89 is repealed.

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(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.

(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) Paragraphs 94 to 96 are repealed.

(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) sub-paragraph (b) is repealed.

(35) Paragraph 100 is repealed.

(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) the “and” immediately following sub-paragraph (g) is repealed,
- (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) Paragraph 105 is repealed.

(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) Paragraph 107 is repealed.

(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—

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(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<sup>(31)</sup>—

- (a) section 83 (interfering with the mail: postal operators)<sup>(32)</sup>,
- (b) section 85(1) (prohibition on sending certain articles by post).”.

(43) Paragraph 111(a) is repealed.

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<sup>(31)</sup> 2000 c. 26.

<sup>(32)</sup> Section 83 was amended by [S.I. 2018/1417](#).