



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 1

SENTENCING

Other sentencing measures

24 Effect of probation and absolute discharge

- (1) In section 1(4) of the Rehabilitation of Offenders Act 1974 (c.53) (construction of references in Act to “conviction”), for “section 9 of the Criminal Justice (Scotland) Act 1949” substitute “section 247 of the Criminal Procedure (Scotland) Act 1995 (c.46)”.
- (2) In section 49(6) of the 1982 Act (offences relating to dangerous and annoying creatures: power to order disposal of creature), the words “or makes a probation order in relation to him” are repealed.
- (3) In section 58(3) of the 1982 Act (convicted thief in possession: power to order forfeiture of tools etc.)—
 - (a) the words “or makes a probation order in relation to him” are repealed, and
 - (b) for the words from “discharged absolutely” to the end substitute “, as the case may be, discharged absolutely.”.
- (4) In section 96 of the 2005 Act (exclusion orders: supplementary provision), after subsection (2) insert—

“(2A) For the purposes of section 94, section 247(1) of the Criminal Procedure (Scotland) Act 1995 (c.46) (convictions deemed not be convictions where offender placed on probation or discharged absolutely) does not apply to a conviction for a violent offence within the meaning of section 94.”.
- (5) In section 129 of the 2005 Act (relevant and foreign offences), after subsection (4) add—

Status: This is the original version (as it was originally enacted).

“(5) For the purposes of the provisions of this Act specified in subsection (6), section 247(1) and (2) of the Criminal Procedure (Scotland) Act 1995 (c.46) (convictions deemed not to be convictions where offender placed on probation or discharged absolutely) does not apply to a conviction for a relevant offence.

(6) Those provisions are—

- (a) section 21(4),
- (b) section 23(6),
- (c) section 24,
- (d) section 33(6),
- (e) sections 41 to 44,
- (f) section 73(3),
- (g) section 75,
- (h) sections 80 to 83,
- (i) section 89(4) and (5),
- (j) subsection (3) of this section, and
- (k) section 130.”.