



Disclosure (Scotland) Act 2020

2020 asp 13

PART 2

PROTECTION OF VULNERABLE GROUPS

Miscellaneous

87 Retention of scheme records after removal

In section 61 (retention of scheme records after removal) of the PVG Act, after subsection (2) insert—

“(3) Where Ministers decide under section 59A(1) not to continue to consider whether to list an individual, Ministers may keep any information received by them when considering whether to list the individual for the purposes of enabling or assisting them to perform their functions under this Act.”.

Commencement Information

II S. 87 in force at 10.12.2021 by S.S.I. 2021/380, reg. 2, sch.

88 Offences outside Scotland

- (1) The PVG Act is amended as follows.
- (2) After section 37 insert—

“37A Offences outside Scotland

- (1) This section applies where an offence is committed under section 34, 35 or 36 outside Scotland.
- (2) The person committing the offence may be prosecuted, tried and punished for the offence—
 - (a) in a sheriff court district in which the person is apprehended or in custody, or

Changes to legislation: There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Cross Heading: Miscellaneous. (See end of Document for details)

- (b) in a sheriff court district determined by the Lord Advocate, as if the offence had been committed in that district.
- (3) The offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district.”
- (3) After section 45G (as inserted by section 73) insert—

“47H Offences outside Scotland

- (1) This section applies where an offence is committed under section 45C, 45D, 45E or 45F outside Scotland.
- (2) The person committing the offence may be prosecuted, tried and punished for the offence—
 - (a) in a sheriff court district in which the person is apprehended or in custody, or
 - (b) in a sheriff court district determined by the Lord Advocate, as if the offence had been committed in that district.
- (3) The offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district.”

Commencement Information

I2 S. 88(1)(2) in force at 10.12.2021 by S.S.I. 2021/380, reg. 2, sch.

89 Guidance for chief constable

After section 84 of the PVG Act insert—

“84A Guidance for chief constable

- (1) The Scottish Ministers must issue guidance to the chief constable about the exercise of the chief constable's functions under Parts 1 and 2 of this Act.
- (2) The Scottish Ministers may from time to time issue revised guidance, and references in this section to guidance include revised guidance.
- (3) Before issuing guidance under this section, the Scottish Ministers must consult the chief constable.
- (4) The chief constable must have regard to guidance issued under this section in exercising functions under Part 1 or 2 of this Act.
- (5) This section does not affect the generality of section 84.”

Commencement Information

I3 S. 89 in force at 10.12.2021 for specified purposes by S.S.I. 2021/380, reg. 2, sch.

I4 S. 89 in force at 1.4.2023 in so far as not already in force by S.S.I. 2023/79, reg. 2

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90 Meaning of “conviction”

- (1) The PVG Act is amended as follows.
- (2) In section 97(1) (general interpretation), after the definition of “conduct” insert—

““conviction” means a conviction within the meaning of the Rehabilitation of Offenders Act 1974; and references to “convicted” (other than in section 14) are to be construed accordingly.”
- (3) In schedule 5 (index), at the appropriate place insert—

“conviction, convicted (other than in section 14) section 97(1)”.

Commencement Information

15 S. 90 in force at 10.12.2021 by S.S.I. 2021/380, reg. 2, sch.

Changes to legislation:

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Heading: Miscellaneous.