

*These notes relate to the Historical Sexual Offences (Pardons and Disregards)
(Scotland) Act 2018 (asp 14) which received Royal Assent on 11 July 2018*

HISTORICAL SEXUAL OFFENCES (PARDONS AND DISREGARDS) (SCOTLAND) ACT 2018

EXPLANATORY NOTES

THE ACT

Part Three – Disregarding Certain Convictions for Historical Sexual Offences

Section 11 – Advisers

43. **Section 11(1)** provides that the Scottish Ministers can appoint independent advisers to advise on an application for a disregard under section 5. **Section 11(2)** provides that the advisers can be supplied with such information as is relevant to undertake this function. **Section 11(3)** enables the payment of expenses and allowances to the advisers.
44. These advisers may be people with particular knowledge or expertise in how offences concerning same-sex sexual activity were prosecuted in Scotland and they may assist in the consideration of cases where the information provided by the applicant and that held by the police, courts and COPFS or others is, on the face of it, insufficient to determine whether the applicant’s conviction was for activity that would not be a criminal offence on the day the legislation comes into effect.