

*These notes relate to the Disclosure (Scotland) Act 2020  
(asp 13) which received Royal Assent on 14 July 2020*

# **DISCLOSURE (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **PROVISION BY PROVISION COMMENTARY**

#### **Part 2: Protection of vulnerable groups**

##### **Miscellaneous**

##### ***Section 90: Meaning of “conviction”***

182. Section 90 inserts a definition of “conviction” into section 97(1) of the PVG Act, and also inserts the term into the Act’s index in schedule 5. The meaning of conviction is derived from the 1974 Act. This ensures that a consistent definition of conviction applies throughout the PVG Act (previously the definition only applied for the purposes of Part 2).
183. The meaning of conviction now applies throughout the PVG Act, and “convicted” is construed accordingly except in relation to section 14. A narrower definition is needed for section 14, which deals with automatic listing, so that it does not include disposals by way of absolute discharge – see section 247 of the Criminal Procedure (Scotland) Act 1995.