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*Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Paragraph 1. (See end of Document for details)*

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## SCHEDULE 2 REHABILITATION OF OFFENDERS ACT 1974

- 1 (1) The 1974 Act is amended as follows.
- (2) In section 1—
- (a) in subsection (2), for the word “rehabilitated” in both places where it occurs there is substituted “protected”,
  - (b) in subsection (3), after paragraph (za) there is inserted—
    - “(zb) a hospital direction under section 59A of the Criminal Procedure (Scotland) Act 1995;
    - (zc) a victim surcharge imposed under section 253F of the Criminal Procedure (Scotland) Act 1995;”,
  - (c) in subsection (4), for the word “rehabilitated” there is substituted “protected”,
  - (d) after subsection (4) there is inserted—
    - “(4A) In this Act, an “excluded sentence” is a sentence listed in section 5(1).”.
- (3) In the title of section 1, for the word “Rehabilitated” there is substituted “Protected”.
- (4) In the title of section 2, the words “Rehabilitation of” are repealed.
- (5) In the title of section 3, the words “under the Social Work (Scotland) Act 1968” are repealed.
- (6) In section 4, in subsection (1), for the word “rehabilitated” there is substituted “protected”.
- (7) In the title of section 4, for the word “rehabilitation” there is substituted “becoming a protected person”.
- (8) In section 5—
- (a) in subsection (1)—
    - (i) for the words “excluded from rehabilitation under” there is substituted “which are excluded sentences for the purposes of”,
    - (ii) for the words “sentence subject to rehabilitation under this Act” there is substituted “disclosable sentence”,
  - (b) after subsection (1A) there is inserted—
    - “(1B) In subsection (1), “disclosable sentence” means a sentence imposed in relation to a conviction in respect of which a person may, under this Act, become a protected person.”.
- (9) In the title of section 5, for the word “Rehabilitation” there is substituted “Disclosure”.
- (10) In section 6—
- (a) in subsection (1)—
    - (i) the words from “(not” to “Act)” are repealed,
    - (ii) for the word “rehabilitation” in the second place where it occurs there is substituted “disclosure”,
  - (b) in subsection (2)—

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- (i) the words from “and” to “Act,” are repealed,
- (ii) for “rehabilitation” in the second place where it occurs there is substituted “ disclosure ”,
- (c) after subsection (2) there is inserted—
  - “(2A) In subsections (1) and (2), the references to sentences do not include excluded sentences.”,
- (d) in subsection (3A)—
  - (i) for the word “rehabilitation” in each place where it occurs there is substituted “ disclosure ”,
  - (ii) for the word “rehabilitated” there is substituted “ protected ”.
- (11) In the title of section 6, for the word “rehabilitation” there is substituted “ disclosure ”.
- (12) In section 7, in subsection (1)(d)—
  - (a) for the words “or other penalty” there is substituted “ requirement, restriction or other way of regulating the person's behaviour ”,
  - (b) for the word “rehabilitation” there is substituted “ disclosure ”.
- (13) In the title of section 7, for the words “rehabilitation under this Act, etc.” there is substituted “ protection under section 4(1) ”.
- (14) In section 8, in subsection (1), for the word “rehabilitated” there is substituted “ protected ”.
- (15) In section 9—
  - (a) in subsection (1), for the words “rehabilitated living person” there is substituted “ living protected person ”,
  - (b) in subsection (3)—
    - (i) in paragraph (a), for the word “rehabilitated” in both places where it occurs there is substituted “ protected ”,
    - (ii) in paragraph (b), for the word “rehabilitated” in both places where it occurs there is substituted “ protected ”.
- (16) In schedule 1, in paragraph 1, for the words “period of rehabilitation” there is substituted “ disclosure period ”.
- (17) In schedule 2—
  - (a) in paragraph 1(3)(a) and (b), for the word “rehabilitation” in each place where it occurs there is substituted “ disclosure ”,
  - (b) in paragraph 5(b), for the word “rehabilitation” there is substituted “ disclosure ”.
- (18) In schedule 3, in paragraph 1—
  - (a) in sub-paragraph (5), for the word “rehabilitation” in both places where it occurs there is substituted “ disclosure ”,
  - (b) in sub-paragraph (6), for the word “rehabilitation” in both places where it occurs there is substituted “ disclosure ”.

#### Commencement Information

**II** Sch. 2 para. 1 in force at 30.11.2020 by S.S.I. 2020/245, reg. 2, sch. (with reg. 3)

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