



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *Admonition and absolute discharge*

#### **247 Effect of probation and absolute discharge.**

- (1) Subject to the following provisions of this section, a conviction of an offence for which an order is made [<sup>F1</sup>discharging the offender] absolutely shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of laying it before a court as a previous conviction in subsequent proceedings for another offence.
- (2) Without prejudice to subsection (1) above, the conviction of an offender who is <sup>F2</sup>... discharged absolutely as aforesaid shall in any event be disregarded for the purposes of any enactment which imposes any disqualification or disability upon convicted persons, or authorises or requires the imposition of any such disqualification or disability.
- (3) Subsections (1) and (2) above shall not affect any right to appeal.
- (4) Where a person charged with an offence has at any time previously been discharged absolutely in respect of the commission by him of an offence it shall be competent, in the proceedings for that offence, to lay before the court the order of absolute discharge in like manner as if the order were a conviction.
- (5) Where an offender is discharged absolutely by a court of summary jurisdiction, he shall have the like right of appeal against the finding that he committed the offence as if that finding were a conviction.

<sup>F3</sup>(6) .....

*Status: Point in time view as at 26/05/2016. This version of this provision has been superseded.*

**Changes to legislation:** Criminal Procedure (Scotland) Act 1995, Section 247 is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

- F1** Words in s. 247(1) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 59\(a\)](#); S.S.I. 2011/178, art. 2, sch.
- F2** Words in s. 247(2) repealed (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 59\(b\)](#); S.S.I. 2011/178, art. 2, sch.
- F3** S. 247(6) repealed (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 59\(c\)](#); S.S.I. 2011/178, art. 2, sch.

### Modifications etc. (not altering text)

- C1** Ss. 246, 247 excluded by 2007 c. 27, s. 36A(5)(6) (as inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 25](#); S.I. 2016/148, reg. 3(f))
- C2** S. 247 excluded (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), [ss. 32\(6\)\(b\)](#), 63(2); S.I. 2016/553, reg. 2
- C3** S. 247(1) excluded (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), [ss. 134\(1\)\(c\)](#), 141 (with s. 134(2)(3)); S.S.I. 2004/138, [art. 2](#)
- C4** S. 247(1)(2) excluded (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 158\(3\)\(c\)](#), 182 (with s. 180); S.I. 2010/816, [art. 2](#), Sch. para. 11
- C5** S. 247(1)(2) excluded by 2005 asp 16 s. 129(5) (as inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 24\(5\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.)
- C6** S. 247(1) excluded by 2005 asp 16 s. 96(2A) (as inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 24\(4\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.)
- C7** S. 247(1) excluded (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#), [ss. 1\(1\)\(4\)\(a\)](#), 17(3) (with s. 14); S.S.I. 2011/365, art. 3

**Status:**

Point in time view as at 26/05/2016. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 247 is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.