POLICY NOTE

THE DISCLOSURE (SCOTLAND) ACT 2020 (LIST A AND B OFFENCES) AMENDMENT REGULATIONS 2025

SSI 2025/75

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 9(3) of the Disclosure (Scotland) Act 2020(1) and all other powers enabling them to do so.

The instrument is subject to affirmative procedure.

Summary Box

These Regulations amend schedules 1 and 2 of the Disclosure (Scotland) Act 2020 ("the Disclosure Act").

Regulation 2 makes amendments to the list of offences in schedule 1 (List A offences) to update the list of offences for which convictions must and children's hearing outcomes may be disclosed on a Level 2 disclosure provided under the Disclosure Act, unless that conviction is removed by the Scottish Ministers, the independent reviewer or a sheriff.

Regulation 3 makes amendments to schedule 2 (List B offences) to update the list of offences for which convictions must and children's hearing outcomes may be disclosed on a Level 2 disclosure provided under the Disclosure Act until they become non-disclosable within the meaning of sections 9 and 10 of the Disclosure Act.

Children's hearing outcomes will only ever be disclosed on a Level 2 disclosure subject to a review by the Scottish Ministers under section 13 of the Disclosure Act.

Policy Objectives

1. Disclosure Scotland is an executive agency of the Scottish Government that provides criminal record disclosures, maintains the Protecting Vulnerable Groups Scheme ("the PVG Scheme") and keeps lists of individuals barred from working with children and 'protected' adults on behalf of Scottish Ministers.

2. The Disclosure Act reforms the disclosure regime in Scotland, repealing Part 5 of the Police Act 1997 ("the Police Act") as it applies in Scotland and also making amendments to the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act") under which the Scottish Ministers administer the PVG Scheme.

3. The disclosure system in Scotland comprises two broadly aligned parts: self and state disclosure. The Rehabilitation of Offenders Act 1974 ("the 1974 Act") and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

(1) 2020 asp 13.

("the 2013 Order")[2] regulate self-disclosure: the obligation placed on an individual to admit to previous convictions if asked by a prospective employer.

4. Self-disclosure by the individual is verified by disclosures provided by the state. Disclosure Scotland will carry out functions on behalf of the Scottish Ministers under the Disclosure Act in relation to the system for state disclosure of an individual's previous criminal history. As consistency between the state and self-disclosure must be maintained, an Order under the 1974 Act is also being made simultaneously to make associated amendments to schedules A1 and B1 in the 2013 Order[3].

5. These Regulations amend schedules 1 and 2 of the Disclosure Act. Schedules 1 and 2 detail the lists of offences which the Scottish Ministers consider should be disclosed on a Level 2 disclosure beyond the point they are spent (to fulfil the task of protecting vulnerable groups, safeguard sensitive assets or information). Level 2 disclosures are used for the purpose of employment or volunteering positions involving a high degree of sensitivity or when there is an expectation of integrity or for the purposes of public protection.

6. If an offence is not included on either list, a conviction for that offence will not be disclosed on any level of disclosure once it is spent.

Background

7. The lists in schedules 1 and 2 of the Disclosure Act were first established in Scotland by the Police Act and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015 ("the 2015 Order")[4]. The 2015 Order was made in response to the finding of the United Kingdom Supreme Court ("UKSC) on 18 June 2014, in the case R (on the application of T and another) (FC) (Respondents) v Secretary of State for the Home Department and another (Appellants) [2014] UKSC 35. In that case, the UKSC found that blanket disclosure of all spent convictions was not in accordance with the law. Although the case concerned the Police Act as it applied in England and Wales, the legislative provisions under the Police Act operated similarly in Scotland in relation to the issue of disclosure certificates.

8. Subsequently, there was a judicial review in the Court of Session which challenged the operation of the PVG Act as amended by the (No. 2) 2015 Order. This was the case of P v Scottish Ministers [2017] CSOH 33, 28 February 2017. In that case Lord Pentland declared that, insofar as they require automatic disclosure of the petitioner's criminal history from Children's Hearing proceedings, the provisions of the PVG Act, as amended, unlawfully and unjustifiably interfered with the petitioner's rights under Article 8 of the

[2] https://www.legislation.gov.uk/ssi/2013/204/contents/made
[3] The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Amendment Order 2025
[4] This Order was subsequently revoked and replaced by the Police Act and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No.2) Order 2015 ("the (No.2) 2015 Order")

European Convention on Human Rights, and Scottish Ministers had no power to make the provisions in terms of section 57(2) of the Scotland Act 1998 ("the 1998 Act").

9. The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 ("the 2018 Order)[5] further refined the reforms introduced by the 2015 Orders so as to bring a benefit to individuals who have a spent conviction for an offence included in schedule 8A of the 1997 Act ('Offences which must always be disclosed').

10. The refinements in the 2018 Order provided the possibility of the disclosure recipient making an application to a sheriff in cases where an individual has a spent conviction for an offence included in schedule 8A after a certain period of time depending on the age of the individual at the time of the conviction. This meant that the practice of automatically disclosing all spent convictions for offences included in schedule 8A indefinitely ended.

11. The approach established by the 2015 Orders and the 2018 Order ensured a fairer balance between an individual's right to respect for their private life and the interests of public protection within the disclosure process.

List A and B offences

12. The rationale that informed the development of the offence lists in the Disclosure Act was based upon the same rationale used in September 2015 when the offence lists were first created.

13. The Scottish Ministers gave careful consideration to the attributes required for roles that place the individuals filling them in a position of power and responsibility. In creating and reviewing the lists, the Scottish Ministers decided that a conviction for a criminal offence that:

    - resulted in serious harm to a person;
    - represented a significant breach of trust and/or responsibility;
    - demonstrated exploitative or coercive behaviour;
    - demonstrated dishonesty against an individual;
    - abused a position of trust; or
    - displayed a degree of recklessness that resulted in harm or a substantial risk of harm

    was evidence that a person's conduct had caused harm to an individual and/or was evidence of misconduct in a position of authority.

[5] https://www.legislation.gov.uk/ssi/2018/52/contents/made

14. This evidence of past behaviour is important information for employers when determining whether an individual is suitable for a particular role.

15. Schedule 1 (List A) of the Disclosure Act contains the list of offences for which convictions must always be disclosed, unless removed following a successful review application to Ministers or the independent reviewer, or after an appeal to the sheriff. Spent childhood convictions and all children's hearings outcomes related to List A offences will be disclosed on a Level 2 disclosure only after review by the Scottish Ministers under section 13 of the Disclosure Act. List A includes the most serious offences, such as serious violence, sexual offending and terrorist offences.

16. List B includes offences that are less serious than List A offences but are offences which still warrant disclosure even when spent, for example, theft and fraud. Convictions for offences on List B must be disclosed until either:

    - they become non-disclosable within the meaning of section 9 or 10 of the Disclosure Act[6], or
    - following a successful review application to Ministers or the independent reviewer, or after an appeal to a the sheriff.

17. List B offences will become non-disclosable if:

    - the disposal for the conviction was an admonition or an absolute discharge
    - the conviction is a childhood conviction and at least **5 years and 6 months** have passed since the date of the conviction
    - the conviction is not a childhood conviction and at least **11 years** have passed since the date of the conviction.

18. Spent childhood convictions and all children's hearings outcomes related to List B offences will be disclosed on a Level 2 disclosure only after review by the Scottish Ministers under section 13 of the Disclosure Act.

19. If an offence is not listed in either List A or List B, a spent conviction (including a spent childhood conviction) or children's hearing outcome for such an offence cannot ever be disclosed on a Level 2 disclosure.

20. Schedules 1 and 2 of the Disclosure Act broadly replicate the lists of offences contained in schedules 8A and 8B of the Police Act, with some adjustments to reflect new offences that have been created and changes in conviction or sentencing approach. The Disclosure Act repeals those offences lists.

[6] https://www.legislation.gov.uk/asp/2020/13/section/9

21. The Disclosure Act further advances an individual's rights to privacy, as a person has the right to make an application to Scottish Ministers and subsequently an independent reviewer, and then by application to the courts to have a spent conviction for an offence listed in List A or List B removed form a Level 2 disclosure provided certain criteria are met. This criteria is set out at section 20(6) of the Disclosure Act, that is:

> (a) a spent conviction for a List A offence and at least 11 years have passed since the date of conviction,
>
> (b) a spent conviction for a List B offence that is not a non-disclosable conviction.

Amendments to the Disclosure Act

22. In developing the proposals for the Disclosure Act and for these Regulations, the factors above were again considered in order to classify offences as either serious or less serious. The passage of time from the date of conviction was then applied to determine at what point it would be appropriate to allow an application to have a spent conviction.

23. These Regulations make necessary modifications to Lists A and B to make provision for:

- including new offences into either List A or List B which were created after the Disclosure Act was passed,
- including or moving additional existing offences to either List A or List B

Amendments that were intended to be lodged at stage 3 of the Disclosure (Scotland) Bill

24. The first set of amendments relates to changes to the listing of offences that were intended to be brought forward by way of amendments during stage 3 of the Disclosure (Scotland) Bill. These amendments could not be not taken forward at that time due to the COVID pandemic.

Offences moved from List B to List A

25. The following offences are deleted from List B and added to List A by these Regulations:

- Robbery
- Housebreaking with intent to steal
- Theft by housebreaking
- An offence under the Official Secrets Act 1911
- An offence under the Official Secrets Act 1920
- An offence under the Official Secrets Act 1989
- An offence under section 67 of the Serious Organised Crime and Police Act 2005

26. Robbery and housebreaking are high tariff offences for which there are no low-level equivalents, and custodial sentences have been imposed in over 50% of the cases following conviction

27. The offences under the Official Secrets Acts are deployed in cases of, for example, a threat to national security or where lives are put at risk. Similar offences are already included in List A. These offences are added to maintain consistency.

28. The offence under section 67 of the Serious Organised Crime and Police Act 2005 is comparable to the common law offence of perverting the course of justice which was moved into List A of the Disclosure Act during the passage of the Disclosure (Scotland) Bill.

New Offences created after the Disclosure Act

New offences added to schedule 1 (List A)

29. The following new offences are added to List A:

    A. *Offences under sections 7 and 17 of the Domestic Abuse (Protection) (Scotland) Act 2021*

30. This is for consistency with other offences on List A that relate to domestic offending and including the breaching of domestic abuse interdict orders imposed by a court.

    B. *An offence under any of the following provisions of the Health and Care Act 2022:*

        - Section 140 (offence of virginity testing: Scotland)
        - Section 141 (offence of offering to carry out virginity testing: Scotland)
        - Section 142 (offence of aiding or abetting etc. a person to carry out virginity testing: Scotland)
        - Section 152 (offence of carrying out hymenoplasty: Scotland)
        - Section 153 (offence of offering to carry out hymenoplasty: Scotland)
        - Section 154 (offence of aiding or abetting etc. a person to carry out hymenoplasty: Scotland)

31. These are added as they involve unacceptable and potentially violent behaviour against women and girls.

    C. *Offences under sections 66A and 66B of the Sexual Offences Act 2003 (added by the Online Safety Act 2023).*

32. These are added as they involve unacceptable sexual behaviour.

D. Offences under sections 3 and 4(1) or (2) of the Hate Crime and Public Order (Scotland) Act 2021

33. These offences involve behaviour which would reasonably be considered to be threatening, abusive or insulting either with the intention to stir up racial hatred or would reasonably be considered to be likely to result in the stirring up of racial hatred. This is consistent with the other offences in List A relating to harassment or racial harassment.

E. An offence under section 184(1) of the Online Safety Act 2023

34. This is added as it involves behaviour amounting to encouraging or assisting serious self-harm

New offences added to schedule 2 (List B)

35. The following offences are added to List B:

F. An offence under section 75 of the Age of Criminal Responsibility (Scotland) Act 2019

36. This is added as it involves behaviour deemed to be interfering with a police investigation involving a child under the age of 12.

37. Section 75 provides that a person commits an offence where they intentionally obstruct a person set out in subsection (2) or otherwise interferes with a police investigation into an incident in relation to which a constable suspects a child while under 12 by behaving in a violent or dangerous way has caused or risked causing serious physical harm to another person, or by behaving in a sexually violent or sexually coercive way has caused or risked causing harm (whether physical or not) to another person.

38. This offence is similar to offences already included on List B under section 81 of the Children (Scotland) Act 1995 and section 59 of the Children's Hearing (Scotland) Act 2011 and so is included for consistency.

G. Offences under sections 38, 39 and 42 of the Offensive Weapons Act 2019

39. These offences are intended to deal with the situation of online purchases where there is not a physical face-to-face transaction to allow the retailer to verify age more easily. As these new offences broadly compare to an offence of a shop-keeper selling to a person under 18, with a delivery company delivering to a person under 18, they are added to List B for consistency in protecting children from harm.

H. An offence under section 21(1) of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022.

40. This new offence deals with similar types of conduct already captured in List B, namely, supplying individuals under the age of 18 with weapons and dangerous substances.

I. Offences under section 4B of the Public Order Act 1986 (added by the Sex-based Harassment in Public Act 2023)

41. This offence was inserted by way of consequential amendment in section 3(2) of the Protection from Sex-based Harassment in Public Act 2023 to schedule 8B of the Police Act. This amendment is necessary to ensure the status quo.

J. Offences under sections 4(1) and 5(1) of the Abortion Services (Safe Access Zones) (Scotland) Act 2024

42. These offences are in relation to influencing, preventing access or causing harassment in a safe access zone or from an area visible or audible from a safe access zone. These offences are relevant to work with children and protected adults as they display both a degree of recklessness which has the potential to result in serious harm to an individual, specifically psychological harm, and a degree of exploitative and coercive behaviour. Inclusion of these offences in List B is consistent with the inclusion of other offences involving harassment already included in List B

K. Offences under sections 179(1), 181(1) and 183(1) or (8) of the Online Safety Act 2023:

43. These offences have been added as they relate to sending messages or showing images electronically. These offences are targeted at sending or showing flashing images with the intention of causing harm to a person with epilepsy where “harm” means a seizure, alarm or distress.

Existing offences added to schedule 1 (List A)

44. These Regulations add the following existing offences into List A:

- An offence under article 44 of the Nursing and Midwifery Order 2001
- An offence under section 28 of the Opticians Act 1989
- An offence under section 32 of the Osteopaths Act 1993
- An offence under section 32 of the Chiropractors Act 1994
- An offence under section 39 of the Health Professions Order 2001
- An offence under section 38 of the Dentists Act 1984
- An offence under section 39 of the Dentists Act 1984

45. These offences are similar to offences already included in the lists which are concerned with people pretending to be registered healthcare professionals or that they hold a license to practice.

Existing offences moved from schedule 2 (List B) to schedule 1 (List A)

46. These Regulations move the following offences under the National Security Act 2023 into List A from List B:

- section 1 (obtaining or disclosing protected information)
- section 2 (obtaining or disclosing trade secrets)
- section 3 (assisting a foreign intelligence service)
- section 4 (entering etc. a prohibited place for a purpose prejudicial to the UK)
- section 12 (sabotage)
- section 13 (foreign interference: general)
- section 17 (obtaining etc. material benefits from a foreign intelligence service)
- section 18 (preparatory conduct)

47. The National Security Act 2023 brings together a suite of new measures and further protects the UK's national security, the safety of the British public and the UK's vital interests from the hostile activities of foreign states. Accordingly, these offences, which replace existing offences in the Official Secrets Acts 1911, 1920 and 1939[7] are also moved to List A.

Aggravation

48. In order to make clear that an offence of assault falls within List A of the Disclosure Act if the conviction indicates it results in any of the following: disability, disfigurement (permanent or otherwise), impairment (permanent or otherwise), an additional category specifying this has been added to the 'common law aggravations' in Part 3 of schedule 1.

Existing offences added to schedule 2 (List B)

49. These Regulations add the following existing offences into List B:

A. *Culpable and reckless conduct to endanger life and culpable and reckless discharge of a firearm.*

50. These offences are similar to the common law offences of 'culpable and reckless conduct', 'culpable and reckless endangering of the public' and 'culpable and reckless fire-raising', which are already included in List B.

[7] These offences were moved to schedule 8A of the Police Act by the Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022

B. Opening a lockfast place

51. This offence is similar to the common law offence of 'opening a lockfast place with intent to steal' which is already include in List B.

C. Offences under the Treason Act 1351, the Treason Act 1708, or an offence under section 2 of the Treason Act 1842

52. These offences are added because in the course of our review of the operation of the offence lists during implementation, it was noted that, while the common law offence of treason was included, the statutory offences were not. For consistency and for completeness to ensure that each offence is included appropriately, Scottish Ministers consider that these statutory offences should be added to List B.

D. An offence under section 1 of the Malicious Communications Act 1988 and section 83 of the Postal Services Act 2000.

53. These offences are similar to the offence of theft, included in List B, but is aggravated by an individual who commits it by being in a position of trust. These offences have been added to List B following operation of the lists in practice. These offences are also similar to offences already in List B, namely section 85(3) of the Postal Services Act 2000 and the offence under section 127(1) of the Communications Act 2003.

Aggravation

54. In order to make clear that an offence of culpable and reckless conduct falls within List B of the Disclosure Act if the conviction indicates it results in any of the following: injury, severe injury, disfigurement (permanent or otherwise), an additional category specifying this has been added to the 'common law aggravations' in Part 3 of schedule 2.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

55. The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

56. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

57. Notification of the 2015 Orders was given on 10 September 2015 on both the Scottish Government's and Disclosure Scotland's website. Notice was also sent to Disclosure Scotland's major stakeholders. 27 responses were received and the majority of the respondents were generally supportive of the changes to the disclosure regime. The notice and the statement of the Scottish Ministers setting out the summary and analysis of written observations received can be found at: https://consult.gov.scot/disclosure-scotland/protection-of-vulnerable-groups/ . The statement also specifies the modifications to the 2015 Order which Scottish Ministers considered appropriate at that time.

58. Notification of the 2018 Order was given on 11 September 2017 on the Scottish Government's website, the Citizen Space website, and by broadcasting on Disclosure Scotland's social media channels. Notice was also sent to Disclosure Scotland's major stakeholders. 51 written responses were received and the majority of respondents were generally supportive of the proposals. The notice and the statement of the Scottish Ministers setting out the summary and analysis of the written observations received can be found at: https://consult.gov.scot/disclosure-scotland/remedial-order-2018/

59. The Disclosure Act received wide cross-party support during its passage through Parliament and was passed unanimously. Disclosure Scotland are continuing to engage with external stakeholders as part of the implementation of the Disclosure Act.

60. Disclosure Scotland published a consultation paper on 25 April 2018. This was distributed widely to a large number of stakeholders, including over 3,000 registered bodies. There were 353 responses, 269 from organisations and 84 from individuals. There were responses from a range of stakeholders with varying backgrounds including judicial bodies, the legal sector, local government, voluntary organisations, the health sector and individual scheme members.

61. There was extensive engagement with stakeholders during the consultation period. This included group discussions and meetings with individual groups or organisations, in total 38 engagement sessions took place during the formal consultation period. During this time Disclosure Scotland User Researchers also engaged with a variety of stakeholders. Since April 2016 the user research team carried out a significant amount of research, which has included a range of users, including;

    - individuals with and without experience of using Disclosure Scotland's services,
    - individuals with convictions,
    - care experienced people,
    - people with disabilities, including blind participants, deaf participants, people with low cognitive skills, dyslexia, dyspraxia,
    - organisations – including various roles e.g. HR, admin staff, countersignatories,
    - charities, and
    - voluntary organisations.

62. The results of the consultation informed further development of the policy and (Disclosure) (Scotland) Bill provisions. The Scottish Government published its response (https://www.gov.scot/publications/government-response-protection-vulnerable-groups-disclosure-criminal-information-consultation/pages/1/) to the consultation on 13 June 2019. The need for a mandatory scheme received overwhelming stakeholder support at various stages of engagement and consultation on the Bill. It was also recommended in the Health and Sport Committee's report on Child Protection in Sport (https://digitalpublications.parliament.scot/Committees/Report/HS/2017/4/26/Child-Protection-in-Sport#Introduction).

63. Since the Disclosure Act gained Royal Assent, Disclosure Scotland have engaged across Government, where required, to establish the nature of existing offences and new offences have arisen since the passage of the Disclosure Act. Specific engagement was carried out with the Crown Office and Judicial Appointment Board for Scotland in relation to the movement of various offences from List B to List A as detailed at paragraph 23. This consultation has informed the policy rationale for some of the amendments within these Regulations.

64. Disclosure Scotland is committed to providing more guidance and training, which will include updated guidance on the offence lists, and continually engage with stakeholders to develop guidance and training that meets user needs.

65. A communications campaign is also underway to raise awareness of the impact of the changes brought about by the Disclosure Act. Disclosure Scotland use a range of communication channels to inform stakeholders of the new mandatory requirements, the associated offences.

66. This commitment to providing improved resources to support stakeholders is one that will continue throughout the transition to the refreshed disclosure regime under the Disclosure Act

Impact Assessments

67. A suite of Impact Assessments was completed as part of the Disclosure (Scotland) Bill process:

- Disclosure (Scotland) Bill: Fairer Scotland Duty assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-fairer-scotland-duty/)
- Disclosure (Scotland) Bill: children rights and wellbeing impact assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-crwia/)
- Disclosure (Scotland) Bill: data protection impact assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-dpia/)
- Disclosure (Scotland) Bill: equality impact assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-eqia/)

- Disclosure (Scotland) Bill: partial Business and Regulatory Impact Assessment (https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-partial-bria/)

68. An Equalities Impact Assessment and an Impact Assessment regarding Children's Rights and Wellbeing have been completed for these Regulations. These will be published alongside this instrument on legislation.gov.uk. No impact on children's rights have been identified.

69. The Equality Impact Assessment identified an indirect impact in relation to sex. This is because men are more likely than women to have criminal convictions. In 2021-22 there were 12 convictions per 1,000 population. There were more convictions for men at 20 convictions per 1,000 population compared to four for women[8]. Men accounted for 83% of all convictions in 2021-22, a similar proportion as each year in the past 10 years (range 82% to 84%). More men than women were convicted in all crime and offence categories, including those listed in the offence lists. This means it is more likely that disclosures will contain conviction information if the applicant is male.

70. Level 2 disclosures will be used as part of the recruitment practice by organisations offering education, employment and training. Individuals seeking these types of roles should know from the recruitment advertisement or researching their role, that the possibility of information being sought from Disclosure Scotland about spent convictions is part of the process. Under the Disclosure Act, people with convictions will also have improved access to review of the inclusion of such information regardless of sex or age. People convicted as children, regardless of sex, will have additional protections under the childhood information provisions at section 13 of the Disclosure Act.

71. A Fairer Scotland Duty Assessment and an Island Communities Impact Assessment screening exercise was undertaken. No impacts were identified during screening and, therefore, a full impact assessment was not done.

Financial Effects

72. The Minister for Children, Young People and the Promise confirms that a Business and Regulatory Impact Assessment has been completed for this instrument however it has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Disclosure Scotland

January 2025

[8] Criminal Proceedings in Scotland, 2021-22 – Updated - gov.scot (https://www.gov.scot/publications/criminal-proceedings-scotland-2021-22-updated/pages/17/)