Draft Order laid before the Scottish Parliament under section 91(2) of the Disclosure (Scotland) Act 2020, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

PROTECTION OF VULNERABLE GROUPS

The Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025

Made - - - - 2025

Coming into force in accordance with regulation 1

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

In accordance with section 91(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025 and come into force on the same day as section 9 of the Disclosure (Scotland) Act 2020.

Modification of schedule 1 of the Disclosure (Scotland) Act 2020

2.—(1) Schedule 1 of the Disclosure (Scotland) Act 2020 (list A offences) is modified as follows.

(2) After paragraph 14, insert—

"**14A.** Housebreaking with intent to steal.".

(3) After paragraph 17, insert—

"**17A.** Robbery.

17B. Theft by housebreaking.".

(4) After paragraph 25, insert—

"**25A.** An offence under any of the following provisions of the Domestic Abuse (Protection) (Scotland) Act 2021(**b**)—

(a) section 7 (offence of breaching notice),

(b) section 17 (offence of breaching order).".

(**a**) 2020 asp 13.
(**b**) 2021 asp 16.

(5) After paragraph 36, insert—

"Health

36A. An offence under any of the following provisions of the Health and Care Act 2022(**a**)—

(a) section 140 (offence of virginity testing: Scotland),

(b) section 141 (offence of offering to carry out virginity testing: Scotland),

(c) section 142 (offence of aiding or abetting etc a person to carry out virginity testing: Scotland),

(d) section 152 (offence of carrying out hymenoplasty: Scotland),

(e) section 153 (offence of offering to carry out hymenoplasty: Scotland),

(f) section 154 (offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland).".

(6) After paragraph 45, insert—

"**45A.** An offence under any of the following provisions of the Dentists Act 1984(**b**)—

(a) section 38 (prohibition on practice of dentistry by laymen)(**c**),

(b) section 39 (prohibition on use of practitioners' titles by laymen)(**d**).

45B. An offence under section 28 of the Opticians Act 1989 (penalty for pretending to be registered etc.)(**e**).

45C. An offence under section 32 of the Osteopaths Act 1993 (offences)(**f**).

45D. An offence under section 32 of the Chiropractors Act 1994 (offences)(**g**).

45E. An offence under article 39 of the Health Professions Order 2001(offences)(**h**).

45F. An offence under article 44 of the Nursing and Midwifery Order 2001 (offences)(**i**).
".

(7) After paragraph 46, insert—

"**46A.** An offence under article 19 of the Anaesthesia Associates and Physician Associates Order 2024 (offences relating to registration etc.)(**j**).".

(8) After paragraph 47, insert—

"National Security and Official Secrets Acts

47A. An offence under the Official Secrets Act 1911(**k**).

47B. An offence under the Official Secrets Act 1920(**l**).

47C. An offence under the Official Secrets Act 1989(**m**).

(**a**) 2022 c. 31.
(**b**) 1984 c. 24.
(**c**) Section 38 was amended by S.I. 2005/2011, 2007/3101 and 2023/1286.
(**d**) Section 39 was amended by S.I. 2005/2011 and 2007/3101.
(**e**) 1989 c. 44. Section 28 was amended by S.I. 2005/848 and 2007/3101.
(**f**) 1993 c. 21.
(**g**) 1994 c. 17.
(**h**) S.I. 2002/254 as amended by paragraph 25 of schedule 5(1) of the Children and Social Work Act 2017 (c. 16) and S.I. 2009/1182.
(**i**) S.I. 2002/253 as amended by S.I. 2018/838.
(**j**) S.I. 2024/374.
(**k**) 1911 c. 28.
(**l**) 1920 c. 75.
(**m**) 1989 c. 6.

47D. An offence under any of the following provisions of the National Security Act 2023(**a**)—

(a) section 1 (obtaining or disclosing protected information),

(b) section 2 (obtaining or disclosing trade secrets),

(c) section 3 (assisting a foreign intelligence service),

(d) section 4 (entering etc a prohibited place for a purpose prejudicial to the UK),

(e) section 12 (sabotage),

(f) section 13 (foreign interference: general),

(g) section 17 (obtaining etc material benefits from a foreign intelligence service),

(h) section 18 (preparatory conduct).".

(9) Before paragraph 51, insert—

"**50A.** An offence under section 67 of the Serious Organised Crime and Police Act 2005 (offences in connection with disclosure notices or search warrants)(**b**).".

(10) In paragraph 55, before sub-paragraph (a) insert—

"(za) section 66A (sending etc. photograph or film of genitals)(**c**),

(zb) section 66B (sharing or threatening to share intimate photograph or film)(**d**).".

(11) After paragraph 62, insert—

"**62A.** An offence under any of the following provisions of the Hate Crime and Public Order (Scotland) Act 2021(**e**)—

(a) section 3 (racially aggravated harassment),

(b) section 4(1) or (2) (offence of stirring up hatred).".

(12) After paragraph 74, insert—

"Miscellaneous statutory offences

74A. An offence under section 184(1) of the Online Safety Act 2023 (offence of encouraging or assisting serious self-harm)(**f**).".

(13) After paragraph 77, insert—

"**77A.** An offence of assault, the conviction for which indicates that it resulted in any of the following—

(a) disability,

(b) disfigurement (permanent or otherwise),

(c) impairment (permanent or otherwise).".

(14) In paragraphs 78 and 79, for "77" substitute "77A".

Modification of schedule 2 of the Disclosure (Scotland) Act 2020

3.—(1) Schedule 2 of the Disclosure (Scotland) Act 2020 (list B offences) is modified as follows.

(2) After paragraph 4, insert—

"**4A.** Culpable and reckless conduct to danger of life.

(**a**) 2023 c. 32.
(**b**) 2005 c. 15.
(**c**) Section 66A of the Sexual Offences Act 2003 (c. 42) ("the 2003 Act") was inserted by section 187 of the Online Safety Act 2023 (c. 50) ("the 2023 Act").
(**d**) Section 66B of the 2003 Act was inserted by section 188 of the 2023 Act.
(**e**) 2021 asp 14.
(**f**) 2023 c. 50.

4B. Culpable and reckless discharge of a firearm.".

(3) Paragraph 9 is repealed.

(4) After paragraph 9, insert—

"**9A.** Opening a lockfast place.".

(5) Paragraph 14 is repealed.

(6) Paragraph 70A(**a**), and the italic heading immediately preceding it, are repealed.

(7) After paragraph 81, insert—

"**81A.** An offence under section 75 of the Age of Criminal Responsibility (Scotland) Act 2019 (offences)(**b**).".

(8) In paragraph 86, after sub-paragraph (c), insert—

"(d) section 38 (delivery of bladed products to residential premises etc),

(e) section 39 (delivery of bladed products to persons under 18),

(f) section 42 (delivery of bladed articles to persons under 18).".

(9) After paragraph 86, insert—

"**86A.** An offence under section 21(1) of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (prohibition on providing fireworks or pyrotechnic articles to children)(**c**).".

(10) Paragraphs 87 to 89, and the italic heading immediately preceding them, are repealed.

(11) In paragraph 94, after sub-paragraph (e), insert—

"(ea) section 4B (intentional harassment, alarm or distress on account of sex)(**d**),".

(12) After paragraph 95, insert—

"**95A.** An offence under any of the following provisions of the Abortion Services (Safe Access Zones) (Scotland) Act 2024(**e**)—

(a) section 4(1) (offence of influencing, preventing access or causing harassment etc. in safe access zone),

(b) section 5(1) (offence of influencing, preventing access or causing harassment etc. in area visible or audible from safe access zone).".

(13) After paragraph 99, insert—

"Treason

99A. An offence under the Treason Act 1351(**f**).

99B. An offence under the Treason Act 1708(**g**).

99C. An offence under section 2 of the Treason Act 1842(**h**).".

(**a**) Paragraph 70A was inserted by S.I. 2023/1386.
(**b**) 2019 asp 7.
(**c**) 2022 asp 9.
(**d**) Section 4B of the Public Order Act 1986 (c. 64) was inserted by section 1 of the Protection from Sex-based Harassment in Public Act 2023 (c. 47).
(**e**) 2024 asp 10.
(**f**) 1351 c. 2.
(**g**) 1708 c. 21.
(**h**) 1842 c. 51.

(14) After paragraph 101, insert—

"**101A.** An offence under section 1 of the Malicious Communications Act 1988 (offence of sending letters etc. with intent to cause distress or anxiety)(**a**).".

(15) For paragraph 102, substitute—

"**102.** An offence under any of the following provisions of the Postal Services Act 2000(**b**)—

(a) section 83(1) (interfering with mail: postal operators),

(b) section 85(1) (prohibition on sending certain articles by post).".

(16) In paragraph 103, sub-paragraph (a) is repealed.

(17) After paragraph 103, insert—

"**103A.** An offence under any of the following provisions of the Online Safety Act 2023(**c**)—

(a) section 179(1) (false communications offence),

(b) section 181(1) (threatening communications offence),

(c) section 183(1) or (8) (offences of sending or showing flashing images electronically).".

(18) After paragraph 107, insert—

"**107A.** An offence of culpable and reckless conduct, the conviction for which indicates that it resulted in any of the following—

(a) injury,

(b) severe injury,

(c) disfigurement (permanent or otherwise).".

(19) In paragraphs 108 and 109, for "107" substitute "107A".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) 1988 c. 27. Section 1 was amended by section 43 of the Criminal Justice and Police Act 2001 (c. 16), paragraph 90 of schedule 17 of the Communications Act 2003 (c. 21), section 32(1) of the Criminal Justice and Courts Act 2015 (c. 2), section 189 of the Online Safety Act 2023 (c. 50) and S.I. 2022/500).
(**b**) 2000 c. 26.
(**c**) 2023 c. 50.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 modifies 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 or outcome is removed by the Scottish Ministers, the independent reviewer or a sheriff under sections 22, 25, 26 or 30 of the Disclosure Act.

Regulation 3 modifies 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.

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