Draft Order laid before the Scottish Parliament under section 10(2) of the Rehabilitation of Offenders Act 1974, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2025

Made - - - -	*2025*
Coming into force - -	*7th February 2025*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 7(4) and 10(1) of the Rehabilitation of Offenders Act 1974(**a**) and all other powers enabling them to do so.

In accordance with section 10(2)(**b**) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2025 and comes into force on 7 February 2025.

Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

2.—(1) Schedule 1 (proceedings) of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(**c**) is amended in accordance with paragraph (2).

(**a**) 1974 c. 53. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46) and S.I. 2003/415.
(**b**) Section 10(2) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).
(**c**) S.S.I. 2013/50. Schedule 1 was relevantly amended by S.I. 2020/103, schedule 3 paragraph 6(3).

(2) After paragraph 30 insert—

"**31.** Proceedings under Chapter 3 (sexual harm prevention orders) or 4 (sexual risk orders) of Part 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016**(a)** .".

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

(a) 2016 asp 22.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends schedule 1 of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, which by virtue of article 3(1)(a) of that Order contains a list of proceedings in relation to which the application of section 4(1) of the Rehabilitation of Offenders Act 1974 is excluded. The effect is that evidence of previous convictions which have become "spent" under that Act is nonetheless admissible in those proceedings. This Order adds to the list in schedule 1 proceedings relating to sexual harm prevention orders and sexual risk orders under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

£5.78

http://www.legislation.gov.uk/id/sdsi/2025/9780111061404

ISBN 978-0-11-106140-4

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