

*These notes relate to the Disclosure (Scotland) Act 2020
(asp 13) which received Royal Assent on 14 July 2020*

DISCLOSURE (SCOTLAND) ACT 2020

EXPLANATORY NOTES

PROVISION BY PROVISION COMMENTARY

Part 1: Disclosure of criminal history and other information

Level 2 disclosures

Section 10: Non-disclosable children's hearing outcomes

27. Section 10 replicates section 9 on non-disclosable convictions, so that it is clear when a children's hearing outcome may be included in a Level 2 disclosure, even although it is spent. All children's hearing outcomes are spent immediately however the rules which apply to make children's hearing outcomes non-disclosable are otherwise the same as for convictions, with reference to the offence lists in schedules 1 and 2 of the Act. Subsection (2) provides the conditions for when a children's hearing outcome is relevant to this Part. Only when there is acceptance, establishment or deemed establishment of the grounds of an offence referral to a children's hearing is it within scope for disclosure.