

*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: review applications

Section 26: Review of inclusion of removable convictions by the independent reviewer

56. This section gives an applicant the right to request a review by the independent reviewer following a review of the inclusion of the removable conviction information under section 25 by Ministers. If a request for review is made within the prescribed period, Ministers must arrange a review of the inclusion of the conviction by the independent reviewer. The independent reviewer's role is to decide whether the removable conviction is relevant for the purpose of the disclosure and whether it ought to be included. Any finding of fact on which a conviction was based cannot be challenged in the course of a review. Section 28 makes further provision on the procedure for reviews carried out by the independent reviewer.