



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

PROSPECTIVE

Level 1 disclosures: review applications

5 Level 1 disclosure: application for review

- (1) Where a Level 1 disclosure is provided to an applicant, the applicant may, within the prescribed period, apply to the Scottish Ministers for a review of the accuracy of any of the information contained in the disclosure.
- (2) Where a Level 1 disclosure is provided to an applicant by using electronic communications, an application may be made under subsection (1) only if the applicant has notified the Scottish Ministers under section 4(1)(b) of an intention to make the application.
- (3) An application under subsection (1) is referred to in this Part as a “Level 1 review application”.

6 Review of accuracy of information by the Scottish Ministers

- (1) This section applies where a Level 1 review application is made in relation to a Level 1 disclosure provided to an applicant.
- (2) The Scottish Ministers must carry out a review of the accuracy of the information contained in the Level 1 disclosure.
- (3) In the review the Scottish Ministers must decide whether the information is accurate.
- (4) The Scottish Ministers must notify the applicant of their decision.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Cross Heading: Level 1 disclosures: review applications. (See end of Document for details)

7 Provision of new Level 1 disclosure on conclusion of review proceedings

- (1) This section applies where—
 - (a) a Level 1 review application is made in relation to a Level 1 disclosure provided to an applicant, and
 - (b) the Scottish Ministers have made a decision under section 6(3) in relation to the application.
- (2) The Scottish Ministers must provide the applicant with a new Level 1 disclosure as if the applicant had made an application for the disclosure under section 2 on the date on which the Scottish Ministers made the decision under section 6(3).
- (3) If the effect of the Scottish Ministers' decision under section 6(3) is, in relation to any of the information contained in the Level 1 disclosure that was subject to a review as to its accuracy, that the information is inaccurate, the Scottish Ministers must ensure that the new Level 1 disclosure contains corrected information.

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Cross Heading: Level 1 disclosures: review applications.