



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Level 2 disclosures

PROSPECTIVE

13 Childhood information

- (1) Before providing a Level 2 disclosure to an applicant, the Scottish Ministers must—
 - (a) ascertain whether there is any spent childhood conviction of the applicant that is recorded in central records and that is not a non-disclosable conviction,
 - (b) ascertain whether there is any children's hearing outcome of the applicant that is recorded in central records and that is not a non-disclosable children's hearing outcome, and
 - (c) if there is such a childhood conviction or children's hearing outcome, determine—
 - (i) whether the conviction or outcome is relevant for the purpose of the disclosure, and
 - (ii) whether information about the conviction or outcome ought to be included in the disclosure.
- (2) Where the Scottish Ministers determine that a spent childhood conviction or children's hearing outcome of the applicant is relevant for the purpose of the disclosure and that information about the conviction or outcome ought to be included in the disclosure, they must include in the disclosure such information about the conviction or outcome as they consider appropriate in such form as they consider appropriate.
- (3) On providing a Level 2 disclosure to an applicant that contains information under this section about a spent childhood conviction or children's hearing outcome of the applicant, the Scottish Ministers must notify the applicant of—
 - (a) the reasons for their determination that—

Status: *This version of this provision is prospective.*

Changes to legislation: *There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Section 13. (See end of Document for details)*

- (i) the conviction or outcome is relevant for the purpose of the disclosure, and
 - (ii) information about the conviction or outcome ought to be included in the disclosure, and
- (b) the right to make a Level 2 review application under section 20 for a review of the inclusion of the information.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Section 13.