



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 1

#### DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

##### *Level 2 disclosures*

#### **14 Provision of relevant Scottish police information**

- (1) Before providing a Level 2 disclosure to an applicant, the Scottish Ministers must request the chief constable to provide any information relating to the applicant which—
  - (a) the chief constable reasonably believes to be relevant for the purpose of the disclosure, and
  - (b) in the chief constable's opinion ought to be included in the disclosure.
- (2) The chief constable must comply with any request made under subsection (1) as soon as practicable after receiving it.
- (3) The chief constable must not provide information by virtue of a request under subsection (1) if the chief constable thinks that disclosing the information would be contrary to the interests of the prevention or detection of crime.
- (4) For the avoidance of doubt, information mentioned in subsection (1) may include information with respect to relevant behaviour within the meaning of section 5(1)(a) of the Age of Criminal Responsibility (Scotland) Act 2019.
- (5) However, the chief constable may provide information mentioned in subsection (1) relating to a time when the applicant was under 12 years of age only where—
  - (a) the independent reviewer determines, on a review under section 18 of the Age of Criminal Responsibility (Scotland) Act 2019, that the information ought to be included in the Level 2 disclosure and—
    - (i) no appeal under section 20 of that Act is taken, or
    - (ii) such an appeal having been taken, the sheriff confirms the determination under section 20(3)(a) of that Act, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) the sheriff, on an appeal under section 20 of that Act, determines under subsection (3)(b) of that section that the information ought to be included in the Level 2 disclosure.