



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 1

#### DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

##### *Level 2 disclosures*

PROSPECTIVE

#### **17 Further information for certain purposes: PVG scheme members**

- (1) This section applies where—
  - (a) the individual applying for a Level 2 disclosure participates in the PVG Scheme, and
  - (b) the purpose of the disclosure is to enable or assist a person (or any other person for whom the person acts) to consider the applicant's suitability to carry out, or to be offered or supplied for, a type of regulated role.
- (2) The disclosure must also contain any further information under this section relating to the applicant, as well as the information mentioned in section 8(1)(a) to (e).
- (3) Further information under this section is—
  - (a) a statement confirming that the applicant participates in the PVG Scheme in relation to the type of regulated role to which the purpose of the disclosure relates,
  - (b) a statement of whether the Scottish Ministers are considering whether to list the applicant in the relevant list,
  - (c) if the Scottish Ministers are considering whether to list the applicant in the relevant list, details of any conditions that the Scottish Ministers have imposed under section 13A(1) of the PVG Act or, if no such conditions have been imposed, a statement of that fact, and
  - (d) the prescribed details of every prescribed civil court order in effect in respect of the applicant or a statement that no such order is in effect.
- (4) Subsection (5) applies where—

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*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 17. (See end of Document for details)

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- (a) an individual applying for a Level 2 disclosure participates in the PVG Scheme in relation to both types of regulated role, and
  - (b) the purpose of the disclosure relates to only one of the types of regulated role.
- (5) Where this subsection applies, the Level 2 disclosure must not disclose information that appears in the applicant's scheme record only because the applicant participates in the PVG Scheme in relation to the other type of regulated role.
- (6) In this section, “the relevant list” means—
- (a) where the type of regulated role to which the purpose of the disclosure relates is a regulated role with children, the children's list,
  - (b) where the type of regulated role to which the purpose of the disclosure relates is a regulated role with adults, the adults' list.

**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 17.