



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Level 2 disclosures

19 Crown employment

- (1) This section applies to an application under section 11 for a Level 2 disclosure if the application is accompanied by a statement by a person mentioned in subsection (3) stating—
 - (a) the purpose for which the disclosure is required, and
 - (b) that it is required in the course of considering the applicant's suitability for an appointment by or under the Crown.
- (2) The purpose stated in the statement in accordance with subsection (1)(a) must be a purpose for which the application of section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) is excluded by virtue of an order made by the Scottish Ministers under section 4(4) of that Act.
- (3) Any of the following persons may make a statement for the purposes of subsection (1)—
 - (a) a Minister of the Crown,
 - (b) a member of the Scottish Government,
 - (c) any other office-holder in the Scottish Administration,
 - (d) a nominee of any person mentioned in paragraphs (a) to (c).
- (4) The requirement in section 11(1)(b) or (2)(b) that the application comply with section 12 does not apply.
- (5) Any reference in this Part to—
 - (a) the accredited body that countersigned an application for a Level 2 disclosure, or
 - (b) the accredited body to whom a Level 2 disclosure is made available,

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is, in relation to an application to which this section applies or a Level 2 disclosure made available in pursuance of such an application, to be read as a reference to the person who made the statement for the purpose of subsection (1).

- (6) Any reference in this Part to the purpose of the disclosure is, in relation to an application to which this section applies, to be taken to be a reference to the purpose mentioned in subsection (1)(a).