



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 1

#### DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

##### *Level 2 disclosures: review applications*

#### **20 Level 2 disclosure: application for review**

- (1) Where a Level 2 disclosure is provided to an applicant, the applicant may, within the prescribed period, apply to the Scottish Ministers for—
  - (a) a review of the accuracy of any of the information contained in the disclosure,
  - (b) if the disclosure includes reviewable information, a review of the inclusion of any of the reviewable information.
- (2) The following information is “reviewable information” for the purposes of this Part—
  - (a) information included under section 13 about a spent childhood conviction or children’s hearing outcome of the applicant,
  - (b) information relating to the applicant provided by the chief constable in accordance with section 14,
  - (c) details of a removable conviction of the applicant.
- (3) An application may be made under subsection (1) only if the applicant notified the Scottish Ministers under section 18(1)(b) of an intention to make the application.
- (4) Where an application under subsection (1) seeks a review of the inclusion of any reviewable information, the applicant must specify in the application the reviewable information that the applicant wishes to be subject to the review.
- (5) An application under subsection (1) is referred to in this Part as a “Level 2 review application”.
- (6) In this Part, a “removable conviction” is a conviction (other than a childhood conviction) that is—
  - (a) a spent conviction for a List A offence and at least 11 years have passed since the date of conviction,
  - (b) a spent conviction for a List B offence that is not a non-disclosable conviction.