



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Level 2 disclosures: review applications

PROSPECTIVE

23 Review of relevant Scottish police information by the police

- (1) This section applies where—
 - (a) a Level 2 review application is made in relation to a Level 2 disclosure provided to an applicant, and
 - (b) the Level 2 review application specifies information relating to the applicant provided by the chief constable in accordance with section 14 as information that the applicant wishes to be subject to the review.
- (2) A review under this section may not consider any information contained in a Level 2 disclosure which was or could have been the subject of a review under section 18 of the Age of Criminal Responsibility (Scotland) Act 2019.
- (3) The Scottish Ministers must arrange for the chief constable to carry out a review of the information.
- (4) In the review the chief constable must decide—
 - (a) whether the chief constable still reasonably believes the information to be relevant for the purpose of the disclosure, and
 - (b) whether the chief constable is still of the opinion that the information ought to be included in the disclosure.
- (5) In carrying out a review under this section, the chief constable must—
 - (a) by notice give the applicant an opportunity to make representations, and
 - (b) have regard to any representations made by the applicant.

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 23. (See end of Document for details)

- (6) A notice under subsection (5)(a) must specify the time period within which the applicant may make representations.
- (7) The chief constable must notify the Scottish Ministers of—
- (a) the chief constable's decision under subsection (4), and
 - (b) the chief constable's reasons for the decision.
- (8) The Scottish Ministers must notify the applicant of—
- (a) the chief constable's decision,
 - (b) the chief constable's reasons for the decision, and
 - (c) if the chief constable notifies the Scottish Ministers that the chief constable—
 - (i) still reasonably believes the information to be relevant for the purpose of the disclosure, and
 - (ii) is still of the opinion that the information ought to be included in the disclosure,the right to request a review by the independent reviewer under section 24 in relation to 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 23.