



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Level 2 disclosures: review applications

25 Review of inclusion of removable convictions by the Scottish Ministers

- (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 details of a removable conviction included in the disclosure as information that the applicant wishes to be subject to the review.
- (2) The Scottish Ministers must carry out a review of the inclusion of the removable conviction.
- (3) In the review the Scottish Ministers must decide—
 - (a) whether the removable conviction is relevant for the purpose of the disclosure, and
 - (b) whether details of the removable conviction ought to be included in the disclosure.
- (4) In carrying out a review under this section, the Scottish Ministers must by notice give the applicant an opportunity to make representations.
- (5) A notice under subsection (4) must specify the period within which the applicant may make representations.
- (6) In reaching a decision in the review, the Scottish Ministers must take account of—
 - (a) any representations received by virtue of subsection (4), and
 - (b) where they, by notice under section 65(2), require any person to provide them with information for the purpose of carrying out the review, any information received by virtue of the notice.

Status: This is the original version (as it was originally enacted).

- (7) No finding of fact on which a conviction is based may be challenged in a review under this section.
- (8) The Scottish Ministers must notify the applicant of—
- (a) their decision under subsection (3), and
 - (b) if they decide that the removable conviction is relevant for the purpose of the disclosure and that details of it ought to be included in the disclosure—
 - (i) the reasons for their decision, and
 - (ii) the right to request a review by the independent reviewer under section 26 in relation to the conviction.