



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Level 2 disclosures: review applications

PROSPECTIVE

26 Review of inclusion of removable convictions by the independent reviewer

- (1) This section applies where—
- (a) a Level 2 review application is made in relation to a Level 2 disclosure provided to an applicant,
 - (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, and
 - (c) following a review under section 25 in relation to the removable conviction, the Scottish Ministers have notified the applicant that they have decided that—
 - (i) the removable conviction is relevant for the purpose of the disclosure, and
 - (ii) details of it ought to be included in the disclosure.
- (2) The applicant may, within the prescribed period, request that the Scottish Ministers arrange for the independent reviewer to carry out a review of the inclusion of the removable conviction.
- (3) On receipt of a request under subsection (2), the Scottish Ministers must arrange for the independent reviewer to carry out a review of the inclusion of the removable conviction.
- (4) In the review the independent reviewer must decide—
- (a) whether the removable conviction is relevant for the purpose of the disclosure, and

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 26. (See end of Document for details)

- (b) whether details of the removable conviction ought to be included in the disclosure.
- (5) No finding of fact on which a conviction is based may be challenged in a review under this section.

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 26.