



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Level 2 disclosures: review applications

30 Appeal against independent reviewer's decision

- (1) An appeal may be taken against the independent reviewer's decision in a review carried out by the independent reviewer under this Part in respect of a Level 2 review application.
- (2) The appeal may be taken by—
 - (a) the applicant, or
 - (b) where the review included a review under section 24 of information relating to the applicant provided by the chief constable in accordance with section 14, the chief constable.
- (3) The appeal is to be—
 - (a) to a sheriff, and
 - (b) on a point of law only.
- (4) The appeal may be taken before the end of the period of 3 months beginning with the day on which the independent reviewer's decision was notified to the applicant under section 29.
- (5) If, before the end of that period—
 - (a) the applicant notifies the Scottish Ministers that the applicant does not intend to take an appeal under this section, the applicant loses the right to take an appeal on the date on which the notification is given,
 - (b) the chief constable notifies the Scottish Ministers that the chief constable does not intend to take an appeal under this section, the chief constable loses the right to take an appeal on the date on which the notification is given.
- (6) In an appeal under this section, the sheriff must—
 - (a) confirm the independent reviewer's decision, or

Status: This is the original version (as it was originally enacted).

- (b) quash the decision and substitute for it the sheriff's own decision.
- (7) No finding of fact on which a conviction or children's hearing outcome is based may be challenged in an appeal under this section.
- (8) Proceedings in an appeal under this section may take place in private if the sheriff considers it appropriate in all the circumstances.
- (9) The sheriff may allow the appeal in part where it relates to—
 - (a) more than one decision, or
 - (b) information about two or more convictions.
- (10) The decision of the sheriff in an appeal under this section is final.
- (11) References in this section to the independent reviewer's decision are to be construed in accordance with section 29(3) and include any part of the decision.