



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Common provisions relating to Level 1 and Level 2 disclosures

35 Reclassification of applications

- (1) Where the Scottish Ministers receive an application under this Part for one type of disclosure, they may treat it as an application for another type of disclosure if it appears to them from the information contained in the application that the other type of disclosure is more appropriate in the circumstances.
- (2) For the purposes of this section, the types of disclosure are—
 - (a) a Level 1 disclosure,
 - (b) a Level 2 disclosure where neither section 16 nor section 17 applies,
 - (c) a Level 2 disclosure where section 16 applies,
 - (d) a Level 2 disclosure where section 17 applies.
- (3) Where the fee for the other type of disclosure is lower than the fee for the type of disclosure originally applied for, the Scottish Ministers must refund the difference in the fees to the applicant.
- (4) Where the fee for the other type of disclosure is higher than the fee for the type of disclosure originally applied for, the Scottish Ministers need not consider the application any further unless and until the difference in the fees is paid by the applicant.
- (5) In subsections (3) and (4), references to a fee are to a fee provided for under section 61.