



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 1

#### DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

##### *Accredited bodies*

#### **47 Registration in the register of accredited bodies**

- (1) A person may apply to be registered in the register of accredited bodies in relation to—
  - (a) the making of applications for Level 1 disclosures under section 2 on behalf of an individual,
  - (b) the countersigning of applications for Level 2 disclosures under section 11, or
  - (c) both—
    - (i) the making of applications for Level 1 disclosures under section 2 on behalf of an individual, and
    - (ii) the countersigning of applications for Level 2 disclosures under section 11.
- (2) The Scottish Ministers must register in the register of accredited bodies a person who applies to them and—
  - (a) where the person seeks registration of the type mentioned in subsection (1) (a), satisfies the conditions mentioned in subsections (3) and (4),
  - (b) where the person seeks registration of the type mentioned in subsection (1)(b) or (c), satisfies the conditions mentioned in subsections (3) to (5).
- (3) The applicant must be—
  - (a) a body corporate or unincorporated,
  - (b) a statutory office-holder, or
  - (c) an individual who is 18 years of age or older and employs other persons in the course of a business.
- (4) The applicant must satisfy the Scottish Ministers that the applicant is likely to be acting in relation to a disclosure request.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Scottish Ministers must be satisfied that each relevant individual is a suitable person to have access to disclosure information (see section 49).
- (6) In subsection (5), “relevant individual”, in relation to an applicant, is—
- (a) where the applicant is an individual employing other persons in the course of a business, the individual,
  - (b) where the applicant is a body corporate or unincorporated or is a statutory office-holder—
    - (i) the individual nominated as the lead signatory of the applicant, and
    - (ii) each individual nominated as a countersignatory of the applicant.
- (7) The Scottish Ministers may register in the register of accredited bodies an individual who applies to them and—
- (a) is 16 or 17 years of age,
  - (b) employs other persons in the course of a business, and
  - (c) satisfies—
    - (i) the condition mentioned in subsection (4), and
    - (ii) where the individual seeks registration of the type mentioned in subsection (1)(b) or (c), the condition mentioned in subsection (5).
- (8) Before refusing an application for registration under this section, the Scottish Ministers must give the applicant an opportunity to make representations.
- (9) Where the Scottish Ministers decide to refuse an application under this section for registration of the type mentioned in subsection (1)(c) because the condition mentioned in subsection (5) is not met, the decision applies to the application only insofar as the application relates to the countersigning of applications for Level 2 disclosures under section 11 (and does not affect the application insofar as it relates to the making of applications for Level 1 disclosures under section 2 on behalf of an individual).
- (10) In this Part, “disclosure information” means information contained in a Level 2 disclosure.
- (11) In this Part, references to acting in relation to a disclosure request are to be read as references to—
- (a) in relation to registration of the type mentioned in subsection (1)(a), making an application for a Level 1 disclosure under section 2 on behalf of an individual,
  - (b) in relation to registration of the type mentioned in subsection (1)(b), countersigning an application for a Level 2 disclosure under section 11,
  - (c) in relation to registration of the type mentioned in subsection (1)(c), both—
    - (i) making an application for a Level 1 disclosure under section 2 on behalf of an individual, and
    - (ii) countersigning an application for a Level 2 disclosure under section 11.