



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Accredited bodies

48 Protection of information: removal of registration

- (1) This section applies to an accredited body with registration of the type mentioned in section 47(1)(b) or (c).
- (2) The Scottish Ministers may remove the accredited body from the register of accredited bodies if they consider that a relevant individual is not a suitable person to have access to disclosure information (see section 49).
- (3) Before removing an accredited body from the register of accredited bodies under subsection (2), the Scottish Ministers must—
 - (a) notify the persons mentioned in subsection (4) that they are considering whether to remove the accredited body from the register of accredited bodies, and
 - (b) give those persons an opportunity to make representations.
- (4) The persons are—
 - (a) where the accredited body is an individual employing other persons in the course of a business, the accredited body,
 - (b) where the accredited body is a body corporate or unincorporated or a statutory office-holder—
 - (i) the accredited body, and
 - (ii) the relevant individual whom the Scottish Ministers consider may not be a suitable person to have access to disclosure information.
- (5) Where notice is given under subsection (3)(a) to an accredited body that is an individual employing other persons in the course of a business, the notice must include reasons for the Scottish Ministers considering whether to remove the accredited body from the register of accredited bodies.

Status: This is the original version (as it was originally enacted).

- (6) Where notice is given under subsection (3)(a) to the relevant individual mentioned in subsection (4)(b)(ii), in relation to an accredited body that is a body corporate or unincorporated or a statutory office-holder, the notice must include reasons for the Scottish Ministers considering whether to remove the accredited body from the register of accredited bodies.
- (7) A decision by the Scottish Ministers under subsection (2) to remove an accredited body with registration of the type mentioned in section 47(1)(c) from the register of accredited bodies applies to the body’s registration only insofar as it relates to the countersigning of applications for Level 2 disclosures under section 11 (and does not affect the body’s registration insofar as it relates to the making of applications for Level 1 disclosures under section 2 on behalf of an individual).
- (8) In this section, a “relevant individual”, in relation to an accredited body, is—
- (a) where the accredited body is an individual employing other persons in the course of a business, the individual,
 - (b) where the accredited body is a body corporate or unincorporated or is a statutory office-holder—
 - (i) the lead signatory of the accredited body, and
 - (ii) a countersignatory of the accredited body.