



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 1

#### DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

##### *General*

#### **69 Interpretation of Part 1**

In this Part—

“accredited body” has the meaning given in section 46(2),

“acting in relation to a disclosure request” is to be construed in accordance with section 47(11),

the “adults’ list” means the list referred to in section 1(1)(b) of the PVG Act,

“barred from regulated roles with adults” is to be construed in accordance with section 92(2) of the PVG Act,

“barred from regulated roles with children” is to be construed in accordance with section 92(1) of the PVG Act,

“caution” means a caution given to a person in England and Wales or Northern Ireland in respect of an offence which, at the time when the caution is given, the person has admitted,

“central records” means such records of convictions, cautions or other information held for the use of police forces generally as may be prescribed,

“certificate” means any one or more documents provided in response to a particular application,

“chief constable” means the chief constable of the Police Service of Scotland,

“childhood caution”, in relation to an individual, means a caution given in respect of an offence committed when the individual was under 18 years of age,

“childhood conviction”, in relation to an individual, means a conviction for an offence committed when the individual was under 18 years of age,

“children” is to be construed in accordance with the definition of “child” in section 97(1) of the PVG Act,

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*Status: This is the original version (as it was originally enacted).*

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“children’s hearing outcome” means anything treated as a conviction for the purposes of the Rehabilitation of Offenders Act 1974 by virtue of section 3 of that Act (special provision with respect to certain disposals by children’s hearings),

the “children’s list” means the list referred to in section 1(1)(a) of the PVG Act,

“conviction” means a conviction within the meaning of the Rehabilitation of Offenders Act 1974, but does not include a children’s hearing outcome,

“countersignatory” has the meaning given in section 51(8),

“disclosure information” has the meaning given in section 47(10),

“electronic communications” is to be construed in accordance with section 15(1) of the Electronic Communications Act 2000,

“independent reviewer” means the independent reviewer established by section 11 of the Age of Criminal Responsibility (Scotland) Act 2019,

“lead signatory” has the meaning given in section 51(8),

“Level 1 disclosure” has the meaning given in section 1,

“Level 1 review application” means an application under section 5(1),

“Level 2 disclosure” has the meaning given in section 8,

“Level 2 review application” means an application under section 20(1),

“List A offence” means an offence listed in schedule 1,

“List B offence” means an offence listed in schedule 2,

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975,

“non-disclosable children’s hearing outcome” has the meaning given in section 10,

“non-disclosable conviction” has the meaning given in section 9,

“police force” means—

- (a) the Police Service of Scotland,
- (b) a police force in England or Wales maintained under the Police Act 1996,
- (c) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,

“prescribed” means prescribed by regulations made by the Scottish Ministers,

“purpose of the disclosure”, in relation to a Level 2 disclosure, is to be construed in accordance with sections 12(3) and 19(6),

“the PVG Scheme” means the scheme provided for by Part 2 of the PVG Act,

“register of accredited bodies” has the meaning given in section 46(1),

“registration” has the meaning given in section 46(2),

“regulated roles with children” has the meaning given in section 91 of the PVG Act,

“regulated roles with adults” has the meaning given in section 91 of the PVG Act,

“removable conviction” has the meaning given in section 20(6),

“reviewable information” has the meaning given in section 20(2),

“scheme record” has the meaning given in section 48 of the PVG Act,

“spent”, in relation to a conviction (including a childhood conviction) or caution, means spent for the purpose of the Rehabilitation of Offenders Act 1974; and

“unspent”, in relation to a conviction (including a childhood conviction) or caution, is to be construed accordingly,

“statutory office-holder” means a person appointed to an office by virtue of an enactment,

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“type of regulated role” is to be construed in accordance with section 91(4) and (5) of the PVG Act.