



Disclosure (Scotland) Act 2020

2020 asp 13

PART 1

DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

Level 2 disclosures

8 Level 2 disclosure

- (1) In this Part, a “Level 2 disclosure”, in relation to an individual, is a certificate—
- (a) containing the prescribed details of every criminal disposal incurred by the individual that is recorded in central records or, if there are no such disposals, stating that fact,
 - (b) containing information about any spent childhood convictions and children’s hearing outcomes of the individual that is to be included under section 13 or, if there is no such information, stating that fact,
 - (c) containing any information relating to the individual provided by the chief constable in accordance with section 14 or, if no such information has been provided, stating that fact,
 - (d) containing information relating to the individual provided by the chief officer of a relevant overseas police force that may be included in the disclosure in accordance with section 15 or, if no such information has been provided, stating that fact,
 - (e) if the individual is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003, stating that fact,
 - (f) if section 16 applies, containing any further information under that section relating to the individual, and
 - (g) if section 17 applies, containing any further information under that section relating to the individual.
- (2) But a Level 2 disclosure in relation to an individual must not contain any details or information if—
- (a) the details or information were excluded from another Level 2 disclosure under section 31(4) following a Level 2 review application in respect of that other Level 2 disclosure, and

Status: This is the original version (as it was originally enacted).

- (b) it appears to the Scottish Ministers that the purpose of the disclosure is the same as the purpose of that other Level 2 disclosure.
- (3) In subsection (1), “criminal disposal”—
- (a) means—
 - (i) a conviction (other than a childhood conviction), whether spent or unspent,
 - (ii) an unspent childhood conviction,
 - (iii) an unspent caution (other than a childhood caution), but
 - (b) does not include a non-disclosable conviction.