



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### DISCLOSURE (SCOTLAND) ACT 2020

#### PART 1

##### DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

###### *Level 1 disclosures*

- 1 Level 1 disclosure
- 2 Provision of Level 1 disclosures
- 3 Applications by accredited bodies on behalf of individuals
- 4 Provision of Level 1 disclosure to third parties

###### *Level 1 disclosures: review applications*

- 5 Level 1 disclosure: application for review
- 6 Review of accuracy of information by the Scottish Ministers
- 7 Provision of new Level 1 disclosure on conclusion of review proceedings

###### *Level 2 disclosures*

- 8 Level 2 disclosure
- 9 Non-disclosable convictions
- 10 Non-disclosable children's hearing outcomes
- 11 Provision of Level 2 disclosures
- 12 Level 2 disclosure applications: countersigning and purposes
- 13 Childhood information
- 14 Provision of relevant Scottish police information
- 15 Provision of relevant overseas police information
- 16 Further information for certain purposes: non-PVG scheme members
- 17 Further information for certain purposes: PVG scheme members
- 18 Provision of Level 2 disclosure to accredited bodies
- 19 Crown employment

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*Level 2 disclosures: review applications*

- 20 Level 2 disclosure: application for review
- 21 Review of accuracy of information by the Scottish Ministers
- 22 Review of childhood information by the independent reviewer
- 23 Review of relevant Scottish police information by the police
- 24 Review of relevant Scottish police information by the independent reviewer
- 25 Review of inclusion of removable convictions by the Scottish Ministers
- 26 Review of inclusion of removable convictions by the independent reviewer
- 27 Combination of reviews by the independent reviewer
- 28 Independent reviewer: information and representations
- 29 Notification of independent reviewer's decision
- 30 Appeal against independent reviewer's decision
- 31 Provision of new Level 2 disclosure on conclusion of review proceedings
- 32 Disapplication of provisions of section 4 of the Rehabilitation of Offenders Act 1974

*Level 2 disclosures: considering relevance and whether to include information*

- 33 Level 2 disclosure: considering relevance and whether to include certain information

*Common provisions relating to Level 1 and Level 2 disclosures*

- 34 Form and manner of provision of disclosures
- 35 Reclassification of applications
- 36 Regulations about procedure for disclosure requests
- 37 Regulations about review procedure
- 38 Power to modify definitions of Level 1 disclosure and Level 2 disclosure
- 39 Childhood information: power to modify other enactments
- 40 Presumption as to age in relation to convictions

*Offences relating to Level 1 and Level 2 disclosures*

- 41 Falsification of a Level 1 or Level 2 disclosure
- 42 Unlawful disclosure of a Level 2 disclosure
- 43 Lawful disclosures of Level 2 disclosures
- 44 Unlawful request for and use of a Level 2 disclosure
- 45 Offences under sections 42 and 44: supplementary provision

*Accredited bodies*

- 46 Register of accredited bodies
- 47 Registration in the register of accredited bodies
- 48 Protection of information: removal of registration
- 49 Suitable persons to have access to disclosure information
- 50 Removal of registration on other grounds
- 51 Lead signatories and countersignatories
- 52 Lead signatories and countersignatories: acceptance or refusal of nomination and removal from the register

- 53 Notification and review of decisions: removal from register or refusal of registration or nomination
- 54 Regulations about registration
- 55 Code of practice
- 56 Sharing of Level 2 disclosure information by accredited bodies

*Evidence of identity*

- 57 Evidence of identity
- 58 Power to use personal data to check identity
- 59 Power to use fingerprints to check identity

*General*

- 60 Form and manner of applications and notices
- 61 Fees
- 62 Fees for provision of information by the chief constable
- 63 Guidance for chief constable
- 64 Sharing of information with the chief constable
- 65 Sources of information
- 66 Delegation of functions of Scottish Ministers
- 67 Saving: disclosure of information and records
- 68 Definition of consideration of suitability
- 69 Interpretation of Part 1

**PART 2**

PROTECTION OF VULNERABLE GROUPS

*Scheme membership*

- 70 Participation in Scheme
- 71 Duration of Scheme membership
- 72 Failure to apply for renewal of Scheme membership
- 73 Compulsory Scheme membership

*Regulated roles*

- 74 Regulated roles
- 75 Meaning of “protected adult”

*Scheme members under consideration for listing*

- 76 Conditions imposed on scheme members under consideration for listing
- 77 Notice of consideration for listing
- 78 Withdrawal from Scheme when under consideration for listing

*Notice of barred status*

- 79 Notice of barred status

*Listing*

- 80 Reference by chief constable
- 81 Removal of references by court
- 82 Reference by councils or integration joint boards
- 83 Application for removal from list

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- 84 Ministers' powers to remove from list
- 85 Appeals and removals: information power

*Confirmation of PVG Scheme membership*

- 86 Confirmation of scheme membership under the PVG Act

*Miscellaneous*

- 87 Retention of scheme records after removal
- 88 Offences outside Scotland
- 89 Guidance for chief constable
- 90 Meaning of "conviction"

**PART 3**

GENERAL

- 91 Regulations
- 92 Ancillary provision
- 93 Consequential and minor modifications
- 94 Individual culpability where organisation commits offence
- 95 Meaning of "the PVG Act"
- 96 Crown application
- 97 Commencement
- 98 Short title

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SCHEDULE 1 — List A offences

PART 1 — COMMON LAW OFFENCES

- 1 Abduction.
- 2 Abortion.
- 3 Assault to the danger of life.
- 4 Assault to severe injury.
- 5 Assault with intent to rape or ravish.
- 6 Assault with intent to commit the statutory offence of rape....
- 7 Bestiality.
- 8 Cruel and unnatural treatment of persons.
- 9 Culpable homicide.
- 10 Defeating the ends of justice.
- 11 Drugging.
- 12 Embezzlement.
- 13 Extortion.
- 14 Hamesucken.
- 15 Perverting the course of justice (by whatever means and however...
- 16 Plagium.
- 17 Reset of plagium.
- 18 Wilful fire-raising.

PART 2 — STATUTORY OFFENCES

- 19 Armed forces
- 20 Bribery
- 21 Children
- 22 Computer misuse
- 23 Domestic abuse

- 24 An offence under section 2 of the Domestic Abuse (Scotland)...
- 25 An offence under section 1 of the Domestic Abuse (Scotland)...
- 26 Explosives
- 27 False statements and declarations
- 28 Firearms and other weapons
- 29 An offence under any of the following provisions of the...
- 30 An offence under the Chemical Weapons Act 1996.
- 31 An offence under section 139AA of the Criminal Justice Act...
- 32 Forced marriage
- 33 An offence under section 122 of the Anti-social Behaviour, Crime...
- 34 Fraud and forgery
- 35 Harassment
- 36 An offence under any of the following provisions of the...
- 37 Human trafficking and exploitation
- 38 An offence under section 4 of the Asylum and Immigration...
- 39 An offence under section 47 of the Criminal Justice and...
- 40 An offence under section 3A of the Female Genital Mutilation...
- 41 An offence under the Prohibition of Female Genital Mutilation (Scotland)...
- 42 An offence under any of the following provisions of the...
- 43 Insolvency
- 44 Medical professions etc.
- 45 An offence under any of the following provisions of the...
- 46 An offence under article 38 of the Pharmacy Order 2010...
- 47 Medicines
- 48 Proceeds of crime and money laundering
- 49 Prostitution
- 50 Road traffic
- 51 Serious organised crime
- 52 Sexual offences
- 53 An offence under section 51A of the Civic Government (Scotland)...
- 54 A sexual offence within the meaning given in section 210A(10)...
- 55 An offence under any of the following provisions of the...
- 56 An offence under section 7 of the Protection of Children...
- 57 An offence under any of the following provisions of the...
- 58 An offence under section 69 of the Serious Crime Act...
- 59 An offence under any of the following provisions of the...
- 60 Solicitors
- 61 Stalking and harassment
- 62 An offence under section 39 of the Criminal Justice and...
- 63 Taxation
- 64 Terrorism
- 65 An offence under any of the following provisions of the...
- 66 An offence under the Terrorism Act 2006.
- 67 An offence under any of the following provisions of the...
- 68 Violent offender orders
- 69 Vulnerable persons
- 70 An offence under section 315 of the Mental Health (Care...
- 71 An offence under any of the following provisions of the...
- 72 Any offence where the conduct in respect of which the...
- 73 An offence under section 26 of the Health (Tobacco, Nicotine...
- 74 Witness protection
- 75 Statutory aggravations

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### PART 3 — OTHER

- 76 Common law aggravations
- 77 An offence the conviction for which indicates that it included...
- 78 Inchoate offences
- 79 An offence committed by attempting or conspiring to commit the...
- 80 Superseded offences
- 81 Combined offences
- 82 Corresponding offences elsewhere in the UK or abroad

### SCHEDULE 2 — List B offences

#### PART 1 — COMMON LAW OFFENCES

- 1 Assault excluding any assault that is a List A offence....
- 2 Breach of the peace.
- 3 Clandestinely taking possession.
- 4 Culpable and reckless conduct.
- 5 Culpable and reckless endangering of the public.
- 6 Culpable and reckless fire-raising.
- 7 Fraud.
- 8 Hijacking.
- 9 Housebreaking with intent to steal.
- 10 Opening a lockfast place with intent to steal.
- 11 Piracy.
- 12 Public indecency.
- 13 Reser (excluding reser of plagium).
- 14 Robbery.
- 15 Theft (excluding plagium).
- 16 Treason.
- 17 Uttering.
- 18 Uttering threats.

#### PART 2 — STATUTORY OFFENCES

- 19 Adult support and protection
- 20 Armed forces
- 21 Assaulting or hindering public officials
- 22 An offence under section 32 of the Commissioners for Revenue...
- 23 An offence under the Emergency Workers (Scotland) Act 2005.
- 24 An offence under section 85 of the Fire (Scotland) Act...
- 25 An offence under section 90 of the Police and Fire...
- 26 Aviation, maritime and spaceflight
- 27 An offence under any of the following provisions of the...
- 28 An offence under section 9 of the Aviation and Maritime...
- 29 An offence under article 265 of the Air Navigation Order...
- 30 An offence under any of the following paragraphs of schedule...
- 31 Care services
- 32 An offence under any of the following provisions of the...
- 33 An offence under article 27 of the Public Services Reform...
- 34 An offence under regulation 19 of the Social Care and...
- 35 Charities
- 36 Child Support
- 37 Children
- 38 Computer misuse
- 39 Crossbows
- 40 Drugs
- 41 An offence under any of the following provisions of the...

- 42 An offence under the Criminal Justice (International Co-operation) Act 1990....
- 43 An offence under any of the following provisions of the...
- 44 Escape from custody etc.
- 45 An offence under section 91 of the Police and Fire...
- 46 Financial services
- 47 An offence under the Financial Services Act 2012.
- 48 Fire safety
- 49 Firearms
- 50 An offence under section 50(5) of the Civic Government (Scotland)...
- 51 An offence under the Firearms (Amendment) Act 1997.
- 52 An offence under any of the following provisions of the...
- 53 An offence under section 31 of the Air Weapons and...
- 54 Food safety and standards
- 55 An offence under regulation 4(b) of the General Food Regulations...
- 56 Fraud and forgery
- 57 An offence under section 46A of the Criminal Law (Consolidation)...
- 58 An offence under the Fraud Act 2006.
- 59 An offence under section 993 of the Companies Act 2006...
- 60 An offence under section 49 of the Criminal Justice and...
- 61 An offence under section 92 of the Police and Fire...
- 62 Immigration etc.
- 63 An offence under section 35 of the Asylum and Immigration...
- 64 An offence under section 21 of the Immigration, Asylum and...
- 65 Insolvency
- 66 Landmines
- 67 Lasers
- 68 Medicines
- 69 An offence under any of the following provisions of the...
- 70 Mental health
- 71 Neglect of duty
- 72 An offence under section 22 of the Police and Fire...
- 73 Obscene material etc.
- 74 An offence under section 51 of the Civic Government (Scotland)...
- 75 An offence under section 85(3) of the Postal Services Act...
- 76 An offence under section 127(1) of the Communications Act 2003...
- 77 Offences in relation to children
- 78 An offence under section 40(1) of the Children and Young...
- 79 An offence under section 50(2) of the Civic Government (Scotland)...
- 80 An offence under section 81 of the Children (Scotland) Act...
- 81 An offence under any of the following provisions of the...
- 82 Offensive weapons
- 83 An offence under section 50(3) (penalty for improper importation of...
- 84 An offence under any of the following provisions of the...
- 85 An offence under any of the following provisions of the...
- 86 An offence under any of the following provisions of the...
- 87 Official Secrets Acts
- 88 An offence under the Official Secrets Act 1920.
- 89 An offence under the Official Secrets Act 1989.
- 90 Proceeds of crime and money laundering
- 91 An offence under the Proceeds of Crime Act 2002 (External...
- 92 An offence under the Proceeds of Crime Act 2002 (External...
- 93 Prostitution

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- 94 Public order
- 95 An offence under section 68(1) of the Criminal Justice and...
- 96 Road traffic
- 97 Sexual offences
- 98 Terrorism
- 99 Threatening or abusive behaviour
- 100 Miscellaneous statutory offences
- 101 An offence under section 22 of the Rent (Scotland) Act...
- 102 An offence under section 85(1) of the Postal Services Act...
- 103 An offence under any of the following provisions of the...
- 104 Statutory aggravations
- 105 An offence (other than a List A offence) to which...
  - PART 3 — OTHER
- 106 Common law aggravations
- 107 An offence (other than a List A offence or an...
- 108 Inchoate offences
- 109 An offence committed by attempting or conspiring to commit any...
- 110 Superseded offences
- 111 Combined offences
- 112 Corresponding offences elsewhere in the UK or abroad

SCHEDULE 3 — Schedule to be substituted for Schedule 2 of the PVG Act

SCHEDULE 4 — Schedule to be substituted for Schedule 3 of the PVG Act

SCHEDULE 5 — Consequential and minor modifications

PART 1 — MODIFICATIONS OF ENACTMENTS IN CONSEQUENCE OF PART 1

- 1 Caravan Sites and Control of Development Act 1960
- 2 Rehabilitation of Offenders Act 1974
- 3 Police Act 1997
- 4 Antisocial Behaviour etc. (Scotland) Act 2004
- 5 Protection of Vulnerable Groups (Scotland) Act 2007
- 6 Housing (Scotland) Act 2014
- 7 Age of Criminal Responsibility (Scotland) Act 2019

PART 2 — MODIFICATIONS OF ENACTMENTS IN CONSEQUENCE OF PART 2

- 8 Education (Scotland) Act 1980
- 9 Foster Children (Scotland) Act 1984
- 10 Protection of Vulnerable Groups (Scotland) Act 2007
- 11 Age of Criminal Responsibility (Scotland) Act 2019

PART 3 — OTHER CONSEQUENTIAL AND MINOR MODIFICATIONS

- 12 Protection of Vulnerable Groups (Scotland) Act 2007
- 13 Children's Hearings (Scotland) Act 2011