



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 1

#### DISCLOSURE OF CRIMINAL HISTORY AND OTHER INFORMATION

##### *Accredited bodies*

#### **56 Sharing of Level 2 disclosure information by accredited bodies**

- (1) An accredited body may countersign an application for a Level 2 disclosure under section 11—
  - (a) on its own behalf, or
  - (b) if the condition mentioned in subsection (2) is met, at the request of another person who—
    - (i) falls within any of paragraphs (a) to (c) of section 47(3) (but who is not an accredited body), or
    - (ii) is an individual who does not employ other persons in the course of business.
- (2) The condition is that the person referred to in subsection (1)(b)(i) or (ii) is asking a question about the individual who is the subject of the Level 2 disclosure for the purpose of the disclosure.
- (3) Where a Level 2 disclosure is made available to an accredited body by virtue of an application for a Level 2 disclosure made at the request of another person mentioned in subsection (1)(b)(i), the accredited body may disclose information contained in the Level 2 disclosure to that person if the body is satisfied that disclosure to the person would comply with the code of practice published under section 55.
- (4) Where a Level 2 disclosure is made available to an accredited body by virtue of an application for a Level 2 disclosure made at the request of an individual mentioned in subsection (1)(b)(ii), the accredited body—
  - (a) must not disclose the information contained in the Level 2 disclosure to the individual,
  - (b) but may provide advice based on the information to the individual relating to the question referred to in subsection (2).

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) The Scottish Ministers may by regulations make provision about the fees that may be charged by accredited bodies in connection with countersigning an application for a Level 2 disclosure at the request of another person mentioned in subsection (1)(b)(ii).