SCOTTISH STATUTORY INSTRUMENTS

2025 No. 5

PROTECTION OF VULNERABLE GROUPS

The Disclosure Information (Accredited Bodies) (Scotland) Regulations 2025

Made - - - -	*9th January 2025*
Laid before the Scottish Parliament	*13th January 2025*
Coming into force - -	*3rd March 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 49(5) and (7)(c)(iii), 51(5), 54 and 61 of the Disclosure (Scotland) Act 2020(**a**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disclosure Information (Accredited Bodies) (Scotland) Regulations 2025 and come into force on 3 March 2025.

(2) In these Regulations—

"the 1997 Act" means the Police Act 1997(**b**),

"applicant" means a person applying to be registered in the register of accredited bodies in accordance with section 47(1) of the Disclosure Act,

"Disclosure Act" means the Disclosure (Scotland) Act 2020,

"disclosure application" means an application for—

(a) a Level 1 disclosure under section 2 of the Disclosure Act, or

(b) a Level 2 disclosure under section 11 of the Disclosure Act,

"Registration Regulations" means the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010(**c**).

The register of accredited bodies

2.—(1) The information specified in the schedule is to be included in the register of accredited bodies in relation to an accredited body.

(2) An accredited body must notify the Scottish Ministers of any changes to the information included in the register of accredited bodies in relation to that accredited body.

(**a**) 2020 asp 13. Section 69 contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.
(**b**) 1997 c. 50.
(**c**) S.S.I. 2010/383.

Accredited bodies: refusal of registration and removal from the register of accredited bodies

3.—(1) Where—

(a) an applicant has been given the opportunity to make representations in accordance with section 47(8) of the Disclosure Act, or

(b) an accredited body has been notified in accordance with sections 48(3) or 50(5) of the Disclosure Act and given the opportunity to make representations,

the applicant or, as the case may be, accredited body must make any representations within 28 days of the date on which the opportunity to do so was given.

(2) The Scottish Ministers must consider any representations received under paragraph (1).

(3) Where the Scottish Ministers receive information that a relevant individual in relation to an accredited body has died or is incapable, by reason of physical or mental impairment, of acting in relation to a disclosure request, the Scottish Ministers may take such steps as are necessary to verify that information.

(4) In paragraph (3), 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,

(ii) any countersignatory of the accredited body.

Lead signatories and countersignatories: prescribed information

4. The following details of a lead signatory or a countersignatory are prescribed for the purposes of section 51(5) of the Disclosure Act—

(a) title, surname and all forenames,

(b) any previous surnames and forenames,

(c) date, place and country of birth,

(d) home address,

(e) business address, business email address and business telephone number,

(f) signature specimen (where the lead signatory or countersignatory makes, or countersigns, a disclosure application in writing).

Lead signatories and countersignatories: refusal of nomination and removal from the register of accredited bodies

5.—(1) Where—

(a) an individual has been notified in accordance with section 52(5) of the Disclosure Act, or

(b) a lead signatory or countersignatory has been notified in accordance with section 52(6) of the Disclosure Act,

the individual or, as the case may be, lead signatory or countersignatory must make any representations within 28 days of the date on which the notification was given.

(2) The Scottish Ministers must consider any representations received under paragraph (1).

(3) Paragraph (4) applies where an accredited body has been notified in accordance with section 53(5) of the Disclosure Act in relation to a lead signatory.

(4) The accredited body must, within 28 days of that notification being given, by application nominate a lead signatory in substitution for the individual previously nominated as a lead signatory for the accredited body whose nomination was refused or whose prescribed details were removed.

(5) No individual may be nominated as a lead signatory or countersignatory of an accredited body if the Scottish Ministers have, within 2 years prior to the date on which the nomination application is received by them—

(a) refused to accept, or refused to continue to accept, the nomination of the individual as a countersignatory under regulation 4(3) of the Registration Regulations,

(b) refused to accept the nomination of the individual as a lead signatory or countersignatory of an accredited body under section 52(2) of the Disclosure Act, or

(c) removed all of the prescribed details of the lead signatory or countersignatory from the entry of an accredited body under section 52(3) of the Disclosure Act.

Notification of outcome of review decisions

6. Where a decision has been reviewed by the Scottish Ministers in accordance with section 53(6) of the Disclosure Act, the Scottish Ministers must notify the person who applied for the review of the outcome of that review.

Reapplication for registration in the register of accredited bodies

7.—(1) Paragraph (2) applies where the Scottish Ministers have—

(a) refused—

(i) to include a person in the register (maintained by the Scottish Ministers in accordance with section 120(1) of the 1997 Act(**a**)) under section 120A(1) or (2) of that Act(**b**),

(ii) an application for registration in the register of accredited bodies under section 47 of the Disclosure Act, or

(b) removed—

(i) a registered person under section 120A(1) or (2) or 122(4) of the 1997 Act(**c**),

(ii) an accredited body from the register of accredited bodies—

(aa) under section 48(2) of the Disclosure Act, or

(bb) under section 50(1) of that Act, on one of the grounds mentioned in either subsection (2)(b) or (c) of that section.

(2) The person may not apply to be registered in the register of accredited bodies under section 47 of the Disclosure Act unless 2 years have elapsed since the date on which notification of the Scottish Ministers' decision as described in either of paragraphs (1)(a) or (b) was given to the person.

(3) Where the Scottish Ministers have removed—

(a) a registered person under regulation 5(1) of the Registration Regulations,

(b) an accredited body from the register of accredited bodies under section 50(1) of the Disclosure Act on the ground mentioned in subsection (2)(a) of that section,

a period of 28 days must have elapsed since the date on which notification was given to the registered person, or as the case may be accredited body, of the Scottish Ministers' decision before the person can apply to be registered in the register of accredited bodies under section 47 of the Disclosure Act.

(4) In this regulation, "registered person" means a person who was listed in the register maintained by the Scottish Ministers under section 120(1) of the 1997 Act for the purposes of Part 5 of that Act.

(**a**) There are amendments to section 120 that are not relevant to these Regulations.
(**b**) Section 120A was inserted by section 70(2) of the Criminal Justice (Scotland) Act 2003 (asp 7) ("the 2003 Act").
(**c**) Section 122 was inserted by section 70(7)(b) of the 2003 Act. Section 122(4) was amended by paragraph 39 of schedule 4 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).

Condition of registration in the register of accredited bodies

8.—(1) The condition in paragraph (2) is a specified condition for the registration or continued registration of an accredited body in the register of accredited bodies.

(2) Any fee payable by an accredited body under regulations 11 to 13 must be paid within 14 days of the Scottish Ministers requiring payment.

(3) If the condition in paragraph (2) is not met, the Scottish Ministers may suspend the registration of the accredited body and refuse to process—

(a) in relation to an accredited body with registration of the type mentioned in section 47(1)(a) of the Disclosure Act, any Level 1 disclosure application made by the accredited body under section 2 of that Act on behalf of an individual,

(b) in relation to an accredited body with registration of the type mentioned in section 47(1)(b) of the Disclosure Act, any Level 2 disclosure application made under section 11 of that Act that is countersigned by the accredited body,

(c) in relation to an accredited body with registration of the type mentioned in section 47(1)(c) of the Disclosure Act—

(i) any Level 1 disclosure application made by the accredited body under section 2 of that Act on behalf of an individual, and

(ii) any Level 2 disclosure application made under section 11 of that Act that is countersigned by the accredited body.

Relevant police force

9. For the purposes of section 49(5) of the Disclosure Act, "relevant police force" means a police force which—

(a) has indicated on central records or the Police Local Cross Reference database that it holds non-conviction information relating to the individual, or

(b) the Scottish Ministers have reason to believe holds non-conviction information in relation to the individual.

Prescribed body

10. The tri-service serious crime unit (as defined in section 375(1A) of the Armed Forces Act 2006(**a**)) is a prescribed body for the purposes of section 49(7)(c)(iii) of the Disclosure Act and any reference to the chief officer of a police force in section 49 of that Act is taken to be a reference to the Provost Marshal for serious crime.

Fees for registration

11.—(1) The fee payable by an accredited body in respect of an application to register in the register of accredited bodies is £125.

(2) The fee in paragraph (1) includes up to 4 countersignatories nominated by the accredited body for entry in the register of accredited bodies.

(3) The fee payable in respect of the fifth, and each subsequent countersignatory, nominated by the accredited body for entry in the register of accredited bodies is £15.

(4) The fee payable to change the lead signatory of an accredited body to a person other than an existing countersignatory is £15.

(5) The fee payable under any of paragraphs (1), (2) or (3) is payable upon application for inclusion in the register of accredited bodies.

(**a**) 2006 c. 52. Subsection (1A) of section 375 was inserted by section 12(4)(b) of the Armed Forces Act 2021 (c. 35).

(6) The fee payable under paragraph (4) is payable upon application for the change to the lead signatory being made by the accredited body.

Annual fees for continued registration

12. The annual fee for continued registration in the register of accredited bodies is—

(a) payable by an accredited body on the first anniversary, and on each subsequent anniversary, of the date of registration,

(b) £125 (with up to 4 countersignatories), and

(c) where applicable, an additional £15 in respect of the fifth and each subsequent countersignatory.

Fees for change to registration type

13. Where—

(a) an accredited body has registration of the type mentioned in either section 47(1)(a) or (b) of the Disclosure Act, and

(b) that accredited body subsequently applies for registration of the type mentioned in section 47(1)(c) of that Act,

the fee payable is £15.

NATALIE DON-INNES
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th January 2025

SCHEDULE

Regulation 2

Information to be included in the register of accredited bodies

PART 1

Interpretation

1. In this schedule, any reference to the business address of an accredited body is a reference to the address of the principal place of business of that body, subject to the requirement that where that body's principal place of business is outside Scotland and that person has a place of business in Scotland, the address of that place of business in Scotland shall also be included in the register of accredited bodies.

PART 2

Type of registration and purpose

2. Whether the accredited body is registered in the register of accredited bodies in accordance with section 47(1)(a), (b) or (c) of the Disclosure Act.

3. Where an accredited body has registration of the type mentioned in section 47(1)(b) or (c) of the Disclosure Act—

(a) details of the purpose or purposes of the disclosure which will be stated by the accredited body in accordance with section 12(1)(b) of that Act,

(b) whether the accredited body will countersign applications for Level 2 disclosures under section 11 of that Act at the request of another person in accordance with section 56(1)(b) of that Act and, if so, details of the nature of the questions to be asked for the purpose of any disclosure by that other person.

PART 3

Bodies corporate or unincorporated

4. Where the accredited body is a body corporate or unincorporated, the following information in relation to the applicant—

(a) title, surname and all forenames,

(b) any previous surnames and forenames,

(c) date, place and country of birth,

(d) home address,

(e) business address, business email address and business telephone number,

(f) signature specimen (where the applicant makes, or countersigns, a disclosure application in writing).

5. The number assigned, upon registration, to—

(a) the applicant,

(b) the lead signatory of the accredited body,

(c) any countersignatory of the accredited body.

6. The title, surname and all forenames of the chief executive and chairperson of the accredited body (unless either person is the lead signatory).

PART 4

Statutory office-holders

7. Where the accredited body is a statutory office-holder, the following information in relation to the applicant—

(a) title, surname and all forenames,

(b) any previous surnames and forenames,

(c) date, place and country of birth,

(d) home address,

(e) business address, business email address and business telephone number,

(f) signature specimen (where the applicant makes, or countersigns, a disclosure application in writing).

8. The number assigned, upon registration, to—

(a) the applicant,

(b) the lead signatory of the accredited body,

(c) any countersignatory of the accredited body.

PART 5

Individuals employing other persons in the course of a business

9. Where the accredited body is an individual employing other persons in the course of a business, the following information in relation to the individual—

(a) title, surname and all forenames,

(b) any previous surnames and forenames,

(c) date, place and country of birth,

(d) home address,

(e) business address, business email address and business telephone number,

(f) signature specimen (where the individual makes, or countersigns, a disclosure application in writing).

10. The number assigned, upon registration, to—

(a) the applicant,

(b) any countersignatory of the accredited body.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision in connection with the register of accredited bodies maintained by the Scottish Ministers under section 46 of the Disclosure (Scotland) Act 2020 ("the Disclosure Act") and registration in it.

Regulation 2 and the schedule set out the information that is to be included in the register of accredited bodies. It also sets out that an accredited body must inform the Scottish Ministers about any changes to that information.

Regulation 3 makes further provision in relation to the refusal of an accredited body's registration in, or removal of an accredited body from, the register of accredited bodies by the Scottish Ministers under the Disclosure Act.

Regulation 4 prescribes the details of the lead signatory or countersignatory that must be included in an application made under section 51 of the Disclosure Act which contains a nomination of a lead signatory or countersignatory.

Regulation 5 makes further provision in relation to the refusal of a nomination of a lead signatory or countersignatory by the Scottish Ministers under the Disclosure Act.

Regulation 6 makes further provision in relation to the outcome of a review decision made by the Scottish Ministers under section 53(6) of the Disclosure Act.

Regulation 7 sets out when an applicant may apply again for registration, after having been previously refused registration or removed.

Regulation 8 specifies a condition of registration, or continued registration, in the register of accredited bodies.

Regulation 9 prescribes the meaning of "relevant police force" for the purposes of requests made under section 49(2) of the Disclosure Act.

Regulation 10 prescribes the tri-service serious crime unit as a body for the purposes of section 49(7)(c)(iii) of the Disclosure Act. It also sets out that any reference to the chief officer of a police force in section 49 of that Act is taken to be a reference to the Provost Marshal for serious crime.

Regulation 11 sets out the fees payable for applications for registration and for nomination of lead signatories and countersignatories in the register of accredited bodies and regulation 12 makes provision for the payment of an annual fee for continued registration in the register of accredited bodies.

Regulation 13 makes provision for the payment of an administrative fee where an accredited body, who has registration of the type mentioned in section 47(1)(a) or (b) (in relation to either Level 1 disclosures or Level 2 disclosures), subsequently applies for registration of the type mentioned in section 47(1)(c) (in relation to both Level 1 disclosures and Level 2 disclosures).

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