Draft Order laid before Parliament under paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

PROTECTION OF VULNERABLE GROUPS

The Disclosure (Scotland) Act 2020 (Consequential Provisions and Modifications) Order 2025

Made - - - -	*2025*
Coming into force - -	*1st April 2025*

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The Secretary of State makes this Order in exercise of the powers conferred by sections 104, 112(1), 113(4) and (5) and 114(1) of the Scotland Act 1998(**a**).

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

PART 1

Introductory

CHAPTER 1

Formal provisions

Citation

1. This Order may be cited as the Disclosure (Scotland) Act 2020 (Consequential Provisions and Modifications) Order 2025.

Commencement and extent

2.—(1) This Order comes into force on 1st April 2025.

(2) Subject to paragraph (3), this Order extends to England and Wales, Scotland and Northern Ireland.

(3) An amendment, repeal or revocation made by this Order has the same extent as the provision being amended, repealed or revoked.

Amendments to primary and secondary legislation

3.—(1) Schedule 1 contains amendments to enactments in connection with Part 2.

(**a**) 1998 c. 46. There are amendments to sections 104, 112, 113 and 114 which are not relevant to this Order.

(2) Schedule 2 contains amendments to enactments in connection with the Disclosure Act.

CHAPTER 2

Interpretation

Meaning of "disclosure" and "Disclosure Act"

4. In this Order—

"disclosure" means a Level 2 disclosure as defined in section 8 of the Disclosure Act;

"Disclosure Act" means the Disclosure (Scotland) Act 2020(**a**).

Meaning of UK law-enforcement body, chief officer and payable institution

5. In this Order, a reference to—

(a) a UK law-enforcement body is to a body specified in the first column of the following table;

(b) the chief officer of a UK law-enforcement body is to the person specified in the corresponding entry in the second column of the table;

(c) the payable institution in relation to a UK law-enforcement body is to the person specified in the corresponding entry in the third column of the table.

UK law-enforcement body	*Chief officer*	*Payable institution*
a police force in England and Wales within the meaning of section 101(1) of the Police Act 1996(**b**)	the chief officer of police as defined by section 101(1) of the Police Act 1996	the local policing body as defined by section 101(1) of the Police Act 1996
the Police Service of Northern Ireland	the body's chief constable	the Northern Ireland Policing Board
the Royal Navy Police	the body's Provost Marshal	the body's Provost Marshal
the Royal Military Police	the body's Provost Marshal	the body's Provost Marshal
the Royal Air Force Police	the body's Provost Marshal	the body's Provost Marshal
the Ministry of Defence Police	the body's chief constable	the Ministry of Defence Police Committee
the British Transport Police	the body's chief constable	the British Transport Police Authority
the Civil Nuclear Constabulary	the body's chief constable	the Civil Nuclear Police Authority
the Commissioners for His Majesty's Revenue and Customs	any of the Commissioners	the Commissioners for His Majesty's Revenue and Customs
the National Crime Agency	the body's Director general	the body
the tri-service serious crime unit (as defined in section 375(1A) of the Armed Forces Act 2006(**c**)	the Provost Marshal for serious crime	the Provost Marshal for serious crime

(**a**) 2020 asp 13.
(**b**) 1996 c. 16. Section 101(1) was relevantly amended by section 96(2) of the Police Reform and Social Responsibility Act 2011 (c. 13).
(**c**) 2006 c. 52. Subsection (1A) of section 375 was inserted by section 12(4) of the Armed Forces Act 2021 (c. 35).

PART 2

UK law-enforcement bodies' duties in respect of Level 2 disclosures

Duty to provide information in response to section 14A request

6.—(1) The chief officer of a UK law-enforcement body must comply with a request for information made under section 14A of the Disclosure Act in relation to a disclosure application as soon as practicable after receiving it.

(2) A chief officer must not provide information in accordance with this article if the chief officer thinks that disclosing the information would be contrary to the interests of the prevention or detection of crime.

(3) Section 33 of the Disclosure Act applies in relation to a chief officer considering a request under section 14A of that Act as it does to the chief constable of the Police Service of Scotland considering a request under section 14 of that Act.

(4) For the avoidance of doubt, information mentioned in paragraph (1) may include information with respect to relevant behaviour within the meaning of section 5(1)(a) of the 2019 Act.

(5) However, a chief officer may provide information in accordance with this article that relates to a time when the applicant for the disclosure was under 12 years of age only where—

(a) the independent reviewer determines, on a review under section 18 of the 2019 Act, that the information ought to be included in the disclosure and—

(i) no appeal under section 20 of that Act is taken, or

(ii) such an appeal having been taken, the sheriff confirms the determination under section 20(3)(a) of that Act, or

(b) the sheriff, on an appeal under section 20 of that Act, determines under subsection (3)(b) of that section that the information ought to be included in the disclosure.

(6) In this article—

"2019 Act" means the Age of Criminal Responsibility (Scotland) Act 2019(**a**);

"disclosure application" means an application made under section 11 of the Disclosure Act for a disclosure;

"independent reviewer" means the independent reviewer appointed under section 12 of the 2019 Act.

Duty to carry out section 23 review

7.—(1) The chief officer of a UK law-enforcement body must, if requested to do so by the Scottish Ministers under section 23 of the Disclosure Act, carry out a review of the information provided by the chief officer for the purpose of a disclosure.

(2) In the review the chief officer must decide—

(a) whether the chief officer still reasonably believes the information to be relevant for the purpose of the disclosure, and

(b) whether the chief officer is still of the opinion that the information ought to be included in the disclosure.

(3) In carrying out the review, the chief officer must—

(a) by notice give the person to whom the disclosure relates an opportunity to make representations, and

(b) have regard to any representations made by that person.

(**a**) 2019 asp 7.

(4) A notice under paragraph (3)(a) must specify the time period within which the person may make representations.

(5) The following enactments apply in relation to the chief officer making a decision under paragraph (2) as they do in relation to the chief constable of the Police Service of Scotland making a decision under section 23(4) of the Disclosure Act—

(a) section 33 of that Act;

(b) regulations under section 37 of that Act.

(6) The chief officer must notify the Scottish Ministers of—

(a) the chief officer's decision under paragraph (2), and

(b) the chief officer's reason for the decision.

Duty to provide information to the independent reviewer

8.—(1) In carrying out a review under Part 1 of the Disclosure Act in respect of a Level 2 review application, the independent reviewer may by notice require any person mentioned in paragraph (2) to provide the reviewer information which the reviewer—

(a) believes the person holds, and

(b) considers is necessary to carry out the review.

(2) The persons referred to in paragraph (1) are—

(a) the chief officer of a UK law-enforcement body;

(b) the Secretary of State;

(c) the Department of Justice in Northern Ireland;

(d) any other person whom the reviewer considers appropriate and whom the reviewer could not require to provide the information under section 28(1)(b) of the Disclosure Act.

(3) The chief officer of a UK law-enforcement body must not provide information in accordance with this article if the chief officer thinks that disclosing the information would be contrary to the interests of the prevention or detection of crime.

(4) A notice under paragraph (1) must specify the information sought and the period within which it must be provided.

(5) In this article—

"independent reviewer" has the meaning given in article 6;

"Level 2 review application" means an application under section 20(1) of the Disclosure Act.

PART 3

Further duties to provide information for the Disclosure Act's purposes

Duty to provide information in response to section 49(2) request

9.—(1) The chief officer of a UK law-enforcement body must, as soon as practicable after receiving it, comply with a request made under section 49(2) of the Disclosure Act (which allows information to be requested for the purpose of determining whether a person is suitable to have access to disclosure information).

(2) A chief officer must not provide information in accordance with this article if the chief officer thinks that disclosing the information would be contrary to the interests of the prevention or detection of crime.

Duty to make central records available

10.—(1) A person who holds central records must make those records available to the Scottish Ministers for the purposes of enabling or assisting them to perform their functions under Part 1 of the Disclosure Act.

(2) Paragraph (1) does not apply to records that must be made available to the Scottish Ministers by virtue of section 65(1) of the Disclosure Act.

(3) For the purposes of this article, "central records" has the same meaning as it has for the purpose of section 65(1) of the Disclosure Act.

Duty to provide personal data for checking identity

11.—(1) A personal data holder must, on request, provide the Scottish Ministers with the information described in paragraph (2) to enable the Scottish Ministers to exercise their function under section 58 of the Disclosure Act (power to use personal data to check identity).

(2) The information referred to in paragraph (1) is information that—

(a) the personal data holder thinks it appropriate to provide in response to the request, and

(b) is held by a personal data holder.

(3) In this article, "personal data holder" means a person mentioned in section 58(2)(b) or (c) of the Disclosure Act.

Duty to make fingerprint records available

12.—(1) Any person who holds records of fingerprints for the use of police forces generally must make those records available to the Scottish Ministers for the purposes of section 59 of the Disclosure Act (power to use fingerprints to check identity).

(2) Paragraph (1) does not apply to records that must be made available to the Scottish Ministers by virtue of section 59(5) of the Disclosure Act.

(3) For the purposes of paragraph (1), "police forces" has the same meaning as it has for the purposes of section 59(5) of the Disclosure Act.

Duty to provide other information requested by the Scottish Ministers

13.—(1) The Scottish Ministers may by notice require any person mentioned in paragraph (2) to provide them with information which they—

(a) believe the person holds, and

(b) consider is necessary to carry out their functions under Part 1 of the Disclosure Act.

(2) The persons referred to in paragraph (1) are—

(a) the chief officer of a UK law-enforcement body;

(b) a local authority in England and Wales within the meaning of section 1(4) of the Local Authorities (Goods and Services) Act 1970(**a**);

(c) the Secretary of State;

(d) the Disclosure and Barring Service;

(e) the Department of Justice in Northern Ireland;

(**a**) 1970 c. 39. Section 1(4) was relevantly amended by Schedule 30 to the Local Government Act 1972 (c. 70), paragraph 47 of Schedule 84 and Schedule 17 to the Local Government Act 1985 (c. 51), paragraph 8(1) of Schedule 6 to the Norfolk and Suffolk Broads Act 1988 (c. 4), Schedule 13 to the Education Reform Act 1988 (c. 40), section 25(8) of the Local Government (Wales) Act 1994 (c. 19), section 388 of the Greater London Authority Act 1999 (c. 29), paragraph 9 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 1 of Schedule 20 and paragraph 2 of Schedule 22 to the Localism Act 2011 (c. 20), paragraph 6(6) of Schedule 13 to the Deregulation Act 2015 (c. 20), paragraph 22 of Schedule 1 and paragraph 33 of Schedule 2 to the Policing and Crime Act 2017 (c. 3), paragraph 22 of Schedule 4 to the Levelling-up and Regeneration Act 2023 (c. 55) and S.I. 2021/327.

(f) any other person the Scottish Ministers consider appropriate whom they could not require to provide the information under section 65(2) of the Disclosure Act.

(3) The chief officer of a UK law-enforcement body must not provide information by virtue of a notice under paragraph (1) if the chief officer thinks that disclosing the information would be contrary to the interests of the prevention or detection of crime.

PART 4

Miscellaneous provisions

Payment for exercise of functions under this Order

14.—(1) Where the chief officer of a UK law-enforcement body performs a function mentioned in paragraph (3), the Scottish Ministers must pay the appropriate fee to the payable institution in relation to the body.

(2) The appropriate fee for a function's performance is to be determined by—

(a) the Secretary of State, in respect of the performance of a function by the chief officer of any body other than the Police Service of Northern Ireland;

(b) the Department of Justice in Northern Ireland, in respect of the performance of a function by the chief officer of the Police Service of Northern Ireland.

(3) The functions referred to in paragraph (1) are—

(a) providing information in accordance with article 6;

(b) carrying out a review in accordance with article 7;

(c) providing information in accordance with article 9;

(d) providing information in accordance with article 13.

Scottish Ministers not liable for inaccuracies

15. No proceedings are competent against the Scottish Ministers by reason of inaccuracy in the information made available or provided to them in accordance with or in pursuance of any power or duty under this Order to provide information to the Scottish Ministers in relation to their functions under Part 1 of the Disclosure Act.

Guidance for chief officers of UK law-enforcement bodies

16.—(1) The Scottish Ministers must issue guidance to the chief officers of UK law-enforcement bodies about the exercise of the chief officer's functions under this Order.

(2) The Scottish Ministers may from time to time issue revised guidance, and references in this article to guidance include revised guidance.

(3) The guidance may in particular include provision about the conduct of reviews under section 23 of the Disclosure Act.

(4) The chief officer of a UK law-enforcement body must have regard to guidance issued under this article in exercising functions under this Order.

Name
Secretary of State for Scotland
Office of the Secretary of State for Scotland Office

Dover House,
London
Date

SCHEDULES

SCHEDULE 1

Article 3(1)

Amendments connected to Part 2

Disclosure (Scotland) Act 2020

1.—(1) The Disclosure (Scotland) Act is amended as follows.

(2) In section 8 (Level 2 disclosure), in subsection (1), after paragraph (c) insert—

"(ca) containing any information relating to the individual provided by the chief officer in response to a request under section 14A or, if no such information has been provided, stating that fact,".

(3) After section 14 insert—

"Provision of relevant UK police etc. information

14A.—(1) Before providing a Level 2 disclosure to an applicant, the Scottish Ministers must request the information mentioned in subsection (3) from the chief officer of any UK law-enforcement body that the Scottish Ministers believe may hold information in relation to the applicant.

(2) But subsection (1) does not require the Scottish Ministers to ask a body for information that they believe will be information that they have or expect to obtain from another person.

(3) The information referred to in subsection (1) is any information relating to the applicant which—

(a) the chief officer reasonably believes to be relevant for the purpose of the disclosure, and

(b) in the chief officer's opinion ought to be included in the disclosure.

(4) For the purposes of this section, "UK law-enforcement body" has the meaning given in article 5 of the 2025 Order.".

(4) In section 20 (Level 2 disclosure: application for review), in subsection (2), after paragraph (b) insert—

"(ba) information relating to the applicant provided by a chief officer in response to a request under section 14A,".

(5) In section 23 (review of relevant Scottish police information by the police)—

(a) for subsection (1)(b) substitute—

"(b) the Level 2 review application specifies, as information that the applicant wishes to be subject to the review, information relating to the applicant provided by—

(i) the chief constable in accordance with section 14, or

(ii) a chief officer in response to a request under section 14A.";

(b) for subsection (3) substitute—

"(3) The Scottish Ministers must arrange for a review of the information to be carried out in accordance with—

(a) subsections (4) to (7) if the information was provided by the chief constable, or

(b) article 7 of the 2025 Order if the information was provided by a chief officer.";

(c) after subsection (7) insert—

"(7A) Having been notified of a decision in accordance with—

(a) subsection (7), or

(b) article 7(6) of the 2025 Order,

the Scottish Ministers must give the applicant notice of the matters mentioned in subsection (8).";

(d) in subsection (8)—

(i) for "The Scottish Ministers must notify the applicant of" substitute "The matters referred to in subsection (7A) are";

(ii) for paragraph (a) substitute—

"(a) the decision of the relevant official (which is to say, the chief constable or, as the case may be, the chief officer),",

(iii) in paragraph (b), for "chief constable's" substitute "relevant official's";

(iv) in paragraph (c), for "chief constable" in both places it occurs, substitute "relevant official";

(e) the heading of the section becomes "Review of relevant police etc. information by the provider".

(6) In section 24 (review of relevant Scottish police information by the independent reviewer)—

(a) in subsection (1)—

(i) for paragraph (b) substitute—

"(b) the Level 2 review application specifies, as information that the applicant wishes to be subject to the review, information relating to the applicant provided by—

(i) the chief constable in accordance with section 14, or

(ii) a chief officer in response to a request under section 14A, and";

(ii) in paragraph (c), after "constable" insert "or (as the case may be) chief officer";

(b) the heading of the section becomes "Review of relevant police etc. information by the independent reviewer".

(7) In section 28 (independent reviewer: information and representations)—

(a) after subsection (4) insert—

"(4A) Where the review includes a review under section 24 of information relating to the applicant provided by a chief officer in response to a request under section 14A, the Scottish Ministers must provide to the independent reviewer the statement of the chief officer's reasons for the chief officer's decision following the review under section 23.";

(b) in subsection (9), after "(5)" insert "or article 8 of the 2025 Order".

(8) In section 29 (notification of independent reviewer's decision), in subsection (2)—

(a) omit the word "and" immediately preceding paragraph (c);

(b) at the end of paragraph (c) insert—

", and

(d) where the review included a review under section 24 of information relating to the applicant provided by a chief officer in response to a request under section 14A, the chief officer.".

(9) In section 30 (appeal against independent reviewer's decision)—

(a) in subsection (2)—

(i) omit the word "or" immediately preceding paragraph (b);

(ii) at the end of paragraph (b) insert—

", or

(c) where the review included a review under section 24 of information relating to the applicant provided by a chief officer in response to a request under section 14A, the chief officer.";

(b) for subsection (5) substitute—

"(5) If, before the end of that period, a person with a right to take an appeal under this section notifies the Scottish Ministers that the person does not intend to take an appeal, the person loses the right to take an appeal on the date on which the notification is given.".

(10) In section 31 (provision of new Level 2 disclosure on conclusion of review proceedings)—

(a) in subsection (7)(c), for the words from "the expiry" to "relevant date," substitute "the date on which it is no longer possible for anyone to take such an appeal, whether that is because the period for doing so has expired (see section 30(4)) or because the person or (as the case may be) each person who had the right to take an appeal has lost it by virtue of section 30(5),";

(b) omit subsection (8);

(c) in subsection (9)(b), for "or the chief constable" substitute ", the chief constable or the chief officer".

(11) In section 33 (Level 2 disclosure: considering relevance and whether to include certain information), in subsection (4)(b), after "section" insert "14A or".

(12) In section 69 (interpretation of Part 1)—

(a) after the opening words insert—

""2025 Order" means the Disclosure (Scotland) Act 2020 (Consequential Provisions and Modifications) Order 2025 (S.I. 2025/XX),";

(b) after the definition of "chief constable" insert—

""chief officer", in relation to a body mentioned in article 5 of the 2025 Order, means the person stated by that article to be the body's chief officer (but this definition does not supersede that given in section 49 for that section's own purposes),".

Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021

2.—(1) The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021(**a**) is amended as follows.

(2) In article 3 (interpretation of Part 2), omit the definitions of the following expressions—

(a) the 1997 Act;

(b) applicant;

(c) enhanced criminal record certificate.

(3) In article 4 (limitation on disclosure of information relating to time when person under 12), omit paragraph (1).

(4) In article 5 (referral of information to independent reviewer)—

(a) in paragraph (1)(a)—

(i) for "113B(4) of the 1997 Act" substitute "14A of the Disclosure Act";

(ii) for "an enhanced criminal record certificate issue under section 113B(1) of that Act" substitute "a Level 2 disclosure";

(b) in paragraph (2)—

(i) in sub-paragraph (a), for the words from "described" to the end of the sub-paragraph substitute "of the disclosure";

(**a**) S.I. 2021/1458.

(ii) in sub-paragraph (c), for "enhanced criminal record certificate" substitute "Level 2 disclosure";

(c) in paragraph (3), for "an enhanced criminal record certificate" substitute "a Level 2 disclosure";

(d) after paragraph (3) insert—

"(4) In this article—

"the applicant" means the person whose application for a disclosure led to the request by the Scottish Ministers mentioned in paragraph (1)(a);

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

"Level 2 disclosure" has the meaning given in section 8 of the Disclosure Act;

"purpose of the disclosure" has the meaning given in section 69 of the Disclosure Act.".

SCHEDULE 2

Article 3(2)

Further amendments in connection with the Disclosure Act

PART 1

Primary legislation

Gambling Act 2005

1.—(1) The Gambling Act 2005(**a**) is amended as follows.

(2) In section 73—

(a) subsection (3)(**b**) is amended as follows—

(i) for the words from "an enhanced" to "(c. 50)" substitute "a criminal records document";

(ii) omit "(within the meaning given by section 116A of that Act)";

(iii) for "such a certificate," substitute "a document mentioned in subsection (3A)(a)(i).";

(b) after subsection (3) insert—

"(3A) In subsection (3)—

(a) "criminal records document" means—

(i) an enhanced criminal record certificate under section 113B of the Police Act 1997;

(ii) a Level 2 disclosure under section 11 of the Disclosure (Scotland) Act 2020;

(b) "up-date information" has the meaning given by section 116A of the Police Act 1997.".

Protection of Vulnerable Groups (Scotland) Act 2007

2.—(1) The Protection of Vulnerable Groups (Scotland) Act 2007(**c**) is amended as follows.

(2) In section 30A (notification of health regulatory bodies, etc.)(**d**), in subsection (1)(a), for "doing regulated work" substitute "carrying out a regulated role".

Data Protection Act 2018

3.—(1) The Data Protection Act 2018(**e**) is amended as follows.

(2) In section 184 (prohibition of requirement to produce relevant records), in subsection (4), for the words from "Part" to the end of the subsection, substitute—

"—

(a) Part 5 of the Police Act 1997 (certificates of criminal records etc), and

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(**a**) 2005 c. 19.

(**b**) Subsection (3) was modified by paragraph 119 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9); the modification made by sub-paragraph (a) of paragraph 119 extends to Scotland as well as England and Wales, the modification made by sub-paragraph (b) of paragraph 119 extends to England and Wales only. Paragraph 119 has been commenced by S.I. 2013/1180 in England and Wales only.

(**c**) 2007 asp 14.

(**d**) Section 30A was inserted by S.I. 2009/1182. There are amendments to it which are not relevant to this Order.

(**e**) 2018 c. 12.

(b) Part 1 of the Disclosure (Scotland) Act 2020 (disclosure of criminal history and other information).".

(3) In Schedule 18 (relevant records), in paragraph 4(6)(a), for "Part 5 of the Police Act 1997" substitute "Part 1 of the Disclosure (Scotland) Act 2020".

PART 2

Subordinate legislation

Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010

4.—(1) The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010(**a**) is amended as follows.

(2) In article 3 (provision of information to the Scottish Ministers)—

(a) in paragraph (1), for "work" substitute "role";

(b) omit paragraphs (2A) and (2B);

(c) for paragraph (4) substitute—

"(4) In paragraph (1), "relevant police force" means a body from which the Scottish Ministers would be required to request information under section 14A or 15 of the Disclosure (Scotland) Act 2020 if the person to whom the request under paragraph (1) relates applied for a Level 2 disclosure under section 8 of that Act.";

(d) omit paragraph (4A).

(3) After article 5 insert—

"Guidance for chief officer of police forces

5A.—(1) The Scottish Ministers must issue guidance to the chief officers of police forces about the exercise of their functions under this Part.

(2) The Scottish Ministers may from time to time issue revised guidance, and references in this article to guidance include revised guidance.

(3) A chief officer must have regard to guidance issued under this article in exercising functions under this Part.".

(4) In article 19 (provision of information held by public bodies etc. to the Disclosure and Barring Service), in paragraph (4)(a), for "work" substitute "role".

(5) The title of article 20 becomes "Provision of information held by providers of regulated roles to Disclosure and Barring Service".

(6) In article 21 (consideration of suitability), for "work" substitute "role".

(7) In article 22 (consideration of suitability), for "work" substitute "role".

Occupational Pension Schemes (Master Trusts) Regulations 2018

5.—(1) The Occupational Pension Schemes (Master Trusts) Regulations 2018(**b**) are amended as follows.

(2) In regulation 4 (application for authorisation), in paragraph (2)(a)(v)—

(a) After "1997" insert ", a Level 1 disclosure within the meaning of section 1 of the Disclosure (Scotland) Act 2020" and

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(**a**) S.I. 2010/2660, as relevantly amended by S.I. 2012/3006, S.I. 2021/1458 and S.I. 2022/1051.
(**b**) S.I. 2018/1030.

(b) for "any equivalent document" substitute "any document that is equivalent to such a certificate or disclosure".

Space Industry Regulations 2021

6.—(1) The Space Industry Regulations 2021(**a**) are amended as follows.

(2) In regulation 187 (national security vetting procedures), in paragraph (1), for sub-paragraph (b) substitute—

"(b) the individuals mentioned in paragraph (2), as a condition of being engaged, or continuing to be engaged, in carrying out security functions, have obtained—

(i) an acceptable enhanced criminal record certificate under section 113B(1) of the Police Act 1997, or

(ii) an acceptable Level 2 disclosure under the Disclosure (Scotland) Act 2020,

(ba) the individuals mentioned in paragraph (2), in any other case, have obtained—

(i) an acceptable criminal record certificate under section 113A(1) of the Police Act 1997, or

(ii) an acceptable Level 2 disclosure under the Disclosure (Scotland) Act 2020, and".

Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021

7.—(1) The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021 is amended as follows.

(2) In article 3 (interpretation of Part 2)—

(a) in the definition of regulated work, for "work" substitute "role";

(b) in the definition of scheme member, for "section 45(2)" substitute "section 45(1)".

(3) In article 5 (referral of information to the independent reviewer)—

(a) in paragraph (1), omit subparagraph (b) and the word "or" immediately preceding it;

(b) in paragraph (2)—

(i) omit sub-paragraph (b);

(ii) in sub-paragraph (c), omit "or, as the case may be, scheme record";

(c) in paragraph (3), omit "or, as the case may be, scheme record".

(**a**) S.I. 2021/792.

EXPLANATORY NOTE

(This note is not part of the Order)

Overview

The Order makes provision in connection with the Disclosure (Scotland) Act 2020 ("the Disclosure Act"). That Act deals with the circumstances in which information about a person's criminal history, and other information held by police and other law-enforcement bodies, can be disclosed by the Scottish Ministers. It also makes amendments to the Protection of Vulnerable Groups (Scotland) Act 2007 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010. Being an Act of the Scottish Parliament, the Disclosure Act cannot address matters outside the Parliament's legislative competence. It is, for example, outside the Parliament's legislative competence to require a police force in a part of the United Kingdom other than Scotland to provide information to the Scottish Ministers for disclosure purposes. The Order's principal purpose is to ensure that the disclosure regime created by the Disclosure Act operates correctly by making provision about those matters for which the Scottish Parliament could not legislate.

The Order is structured as follows:

- Part 1 sets out the formal citation and commencement information usually found at the start of an Order. It also defines "UK law-enforcement body" and associated concepts which recur throughout the Order;
- Part 2 places duties on the chief officers of UK law-enforcement bodies to provide, and review, information that mirror the duties imposed on the chief constable of the Police Service of Scotland by Part 1 of the Disclosure Act in connection with what that Act refers to as a Level 2 disclosure;
- Part 3 places further duties on the chief officers of UK law-enforcement bodies, and others, to provide information for the Disclosure Act's purposes;
- Part 4 makes provision connected to the duties imposed by Parts 2 and 3;
- Schedule 1 amends the Disclosure Act and other enactments in consequence of Part 2 so that they operate in relation to UK law-enforcement bodies in broadly the same way as they do in relation to the Police Service of Scotland;
- Schedule 2 makes minor amendments to other enactments in consequence of the Disclosure Act.

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