



# Protection of Children (Scotland) Act 2003

## 2003 asp 5

### PROTECTION OF CHILDREN (SCOTLAND) ACT 2003

#### *Duty to keep list*

- 1 Duty of Scottish Ministers to keep list

#### *Referrals*

- 2 Reference following disciplinary action etc.
- 3 Reference by employment agency etc.
- 4 Reference by certain other persons

#### *Inclusion in list*

- 5 Inclusion in list following referral under section 2(1) or 4(1)
- 6 Individuals named in the findings of certain inquiries
- 7 Provisional inclusion in list
- 8 Determination under section 5 or 6: power to regulate procedure
- 9 Protection from actions of defamation
- 10 Individuals convicted of an offence against a child

#### *Effect of inclusion in list*

- 11 Offences relating to work in a child care position
- 12 Searches of lists: amendment of Police Act 1997
- 13 Amendment of Teaching Council (Scotland) Act 1965

#### *Removal from list and appeals*

- 14 Applications for removal from list
- 15 Appeals: inclusion in list under section 5 or 6 etc.
- 16 Appeals: inclusion in list following conviction of offence against a child

#### *Interpretation and general*

- 17 Meaning of “disqualified from working with children”
- 18 Interpretation

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Protection of Children (Scotland) Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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- 19 Notices
- 20 Offences by bodies corporate etc.
- 21 Orders and regulations
- 22 Short title and commencement

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SCHEDULE 1 — Offences against a child

- 1 The offences referred to in sub-paragraph (i) of section 10(9)(a)...
- 2 An individual falls within this paragraph if the individual—

SCHEDULE 2 — Child care positions

- 1 For the purposes of this Act a “child care position”...
- 2 The establishments referred to in paragraph 1(a) are—
- 3 For the purposes of paragraph 1(c) above, work done on...
- 4 The duties referred to in paragraph 1(d) and (e) above...
- 5 The reference in paragraph 1(e) above to unsupervised contact is...
- 6 The positions mentioned in paragraph 1(h) above are—
- 7 For the purposes of paragraph 6(e) above a charity is...
- 8 For the purposes of paragraph 7 above, an individual is...
- 9 The arrangements referred to in paragraph 8 above do not...
- 10 For the purposes of paragraph 1(i) above, the holder of...
- 11 For the purposes of this schedule, the following are responsible...
- 12 In this schedule— “care home service” has the same meaning...
- 13 The Scottish Ministers may, for the purpose of amending the...

### Changes to legislation:

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#### Changes and effects yet to be applied to :

- s. 6(6)(aa) inserted by 2005 c. 12 Sch. 2 para. 25
- s. 10(5) text amended by 2004 asp 5 s. 24(1)(a)
- s. 10(6) text amended by 2004 asp 5 s. 24(1)(a)
- s. 10(6)(a)(b) substituted by 2004 asp 5 s. 24(1)(b)
- s. 10(11)(a)(i) text amended by 2010 asp 13 Sch. 7 para. 70(a)
- s. 10(11)(a)(ii) text amended by 2010 asp 13 Sch. 7 para. 70(b)
- s. 12 repealed by 2005 c. 15 Sch. 17 Pt. 2
- s. 13 repealed by S.S.I. 2011/215 Sch. 7
- s. 17(1) modified by S.S.I. 2009/337 art. 4
- Sch. 1 para. 1(n)-(zh) inserted by 2009 asp 9 Sch. 5 para. 4(2)
- Sch. 1 para. 2(da)-(dk) inserted by 2009 asp 9 Sch. 5 para. 4(3)
- Sch. 1 para. 1(zi)(zj) inserted by S.S.I. 2010/421 Sch. para. 2(2)
- Sch. 1 para. 2(dl)(dm) inserted by S.S.I. 2010/421 Sch. para. 2(3)
- Sch. 2 para. 2A 2B inserted by S.S.I. 2008/260 art. 4
- Sch. 2 para. 2(c)-(cb) substituted for Sch. 2 para. 2(c) by S.S.I. 2008/260 art. 3
- Sch. 2 para. 12 text amended by 2005 asp 10 Sch. 4 para. 15
- Sch. 2 para. 6(a) text amended by S.S.I. 2008/260 art. 5
- Sch. 2 para. 12 text amended by S.S.I. 2008/260 art. 6

#### Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act modified by S.S.I. 2009/4 art. 4(2)(a)
- Act repealed in part by 2007 asp 14 Sch. 4 para. 42
- Act savings for effects of 2007 asp 14 Sch. 4 para. 42 by S.S.I. 2010/180 art. 3-12

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- specified provision(s) amendment to earlier commencing SSI 2004/522 by S.S.I. 2004/556 art. 2

#### Commencement Orders yet to be applied to the Protection of Children (Scotland) Act 2003:

Commencement Orders bringing provisions within this Act into force:

- S.S.I. 2004/522 art. 2 commences (2003 asp 5)

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.S.I. 2004/405 art. 2-5 commences (2002 asp 5)
- S.S.I. 2006/166 art. 2 commences (2005 c. 15)
- S.S.I. 2006/189 art. 2 Sch. commences (2005 asp 10)
- S.S.I. 2010/357 art. 2 commences (2009 asp 9)
- S.S.I. 2011/157 art. 2 commences (2007 asp 14)