
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 260

The Protection of Children (Scotland) Act 2003 (Amendment of the Definition of Child Care Position) Order 2008

Citation and commencement

1. This Order may be cited as the Protection of Children (Scotland) Act 2003 (Amendment of the Definition of Child Care Position) Order 2008 and comes into force on 1st July 2008.

Amendment of the Protection of Children (Scotland) Act 2003

2. Schedule 2 (child care positions) to the Protection of Children (Scotland) Act 2003 is amended in accordance with articles 3 to 6.

3. Omit paragraph 2(c) and insert—

- “(c) a school;
- (ca) a further education institution;
- (cb) a hostel used mainly by pupils attending a school or further education institution; and”.

4. After paragraph 2 insert—

“2A. For the purposes of paragraphs 1(a) and 2(c), (ca) and (cb) above, work done in a school, further education institution or hostel is treated as not being done in that place to the extent that it is done by a member of a Parent Council, Combined Parent Council or other parental body.

2B. For the purposes of paragraphs 1(a) and 2(c) and (ca) above, work done in a school or further education institution is treated as not being done in that place to the extent that it—

- (a) involves an activity which is primarily intended for persons aged 18 or over; and
- (b) if done in a further education institution, is done by a person who is not employed by the further education institution.”.

5. In paragraph 6(a) omit “of an educational establishment” and insert “, or member of a governing body, body of trustees or other body responsible for the management, of a school, further education institution or hostel (but not a member of a local authority)”.

6. In paragraph 12—

(a) omit the definitions of “educational establishment” and “managers of an educational establishment”;

(b) after the definition of “employment” insert—

““further education institution” means a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” in schedule 2 to the [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#)”;

(c) after the definition of “hospital” insert—

““hostel” means a hostel used mainly by pupils attending a school or further education institution”; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) after the definition of “independent health care service” insert—
- ““Parent Council” and “Combined Parent Council” have the same meaning as in the [Scottish Schools \(Parental Involvement\) Act 2006 \(asp 8\)](#); and
- “school” has the same meaning as in the Education (Scotland) Act [1980 \(c. 44\)](#).”.

St Andrew’s House,
Edinburgh
25th June 2008

ADAM INGRAM
Authorised to sign by the Scottish Ministers