

*These notes relate to the Protection of Children (Scotland) Act 2003 (asp 5) which received Royal Assent on 19 March 2003*

# **PROTECTION OF CHILDREN (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 11 – Offences relating to work in a child care position***

34. This section creates two new offences both of which attract the same penalties (set out in subsection (7)). An individual disqualified from working with children (as defined in section 17) commits an offence if he or she applies for, offers to do, accepts or does any work in a child care position. It is a defence for an individual to prove that he or she did not know he or she was disqualified.
35. An organisation commits an offence if it offers child care work to a disqualified individual, fails to remove a disqualified individual from such work or moves the individual into a position involving such work. It is a defence for the organisation to prove that it could not reasonably have known that the individual was disqualified.