

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

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## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 12 – Searches of lists: amendment of Police Act 1997***

36. This section provides for the fact that an individual is included in the list to be released as part of a check made under Part V of the [Police Act 1997 \(c.50\)](#) (“the 1997 Act”). It provides that criminal record certificates and enhanced criminal record certificates will reveal whether the individual is included in the list.
37. The amendments to Part V of the 1997 Act allow Disclosure Scotland to include information from the list and from equivalent lists kept in England and Wales on checks for a specified range of positions. Some corresponding changes are needed in relation to England, Wales and Northern Ireland if information in the list kept under this Act is to be disclosed in those jurisdictions.
38. Subsection (1) removes any doubt there may be as to whether amendments made to Part V of the 1997 Act by certain other enactments apply in Scotland.
39. Subsection (2) amends the 1997 Act so as to allow criminal record certificates and enhanced criminal record certificates to disclose whether an individual is included in the list.
40. Subsection (3) allows for future developments in sharing information with other countries and Crown Dependencies. It gives the Scottish Ministers power to modify Part V of the 1997 Act by order to allow Disclosure Scotland to reveal whether an individual is included in similar lists, or is otherwise disqualified from working with children, in those jurisdictions.