

PROTECTION OF CHILDREN (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT

Section 14 – Application for removal from list

42. This section allows an individual to apply to the sheriff for a review of their listing. It allows individuals to apply to be removed from the list. The sheriff must, on such an application, direct the Scottish Ministers to remove the applicant from the list if the sheriff is satisfied that the individual is not unsuitable to work with children.
43. The earliest opportunity for review is 5 years after listing for those under 18 years at the relevant time and 10 years after listing for those over 18 at the relevant time. Where listing follows a conviction and referral by the court, the earliest opportunity for review is the date of completion of the sentence or other release or 10 years after listing (5 years after listing for those under 18 at the time of the offence which led to the listing), whichever is later. The “relevant time” is defined in subsection (5) as the date on which the offence was committed or, as the case may be, the time when the referring organisation or person holding the inquiry considered that the individual harmed a child or placed the child at risk of harm.
44. In all cases the sheriff has discretion, under subsection (7), to allow a review at an earlier date if satisfied that there has been a change in the individual’s circumstances.