



# 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

**Changes to legislation:** Protection of Children (Scotland) Act 2003 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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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
- 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...
- 2 The establishments referred to in paragraph 1(a) are—
- 2A For the purposes of paragraphs 1(a) and 2(c), (ca) and...
- 2B For the purposes of paragraphs 1(a) and 2(c) and (ca)...
- 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
- 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...
- 13 The Scottish Ministers may, for the purpose of amending the...

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

- s. 10(11)(a)(i) words substituted by [2010 asp 13 Sch. 7 para. 70\(a\)](#)
- s. 10(11)(a)(ii) words substituted by [2010 asp 13 Sch. 7 para. 70\(b\)](#)