

*Order made by the Scottish Ministers, laid before the Scottish Parliament under section 14(5)(b) of the Convention Rights (Compliance) (Scotland) Act 2001 for approval by resolution of the Scottish Parliament within 120 days beginning with the date on which the order was made, not taking into account periods of dissolution or recess for more than 4 days.*

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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 330**

**POLICE  
CHILDREN AND YOUNG PERSONS  
PROTECTION OF VULNERABLE ADULTS**

**The Police Act 1997 and the Protection of Vulnerable  
Groups (Scotland) Act 2007 Remedial Order 2015**

*Made - - - - 9th September 2015*

*Coming into force - - 10th September 2015*

The Scottish Ministers make the following remedial Order in exercise of the powers conferred by section 12(1) and (3) of the Convention Rights (Compliance) (Scotland) Act 2001<sup>(1)</sup> (“the 2001 Act”) and all other powers enabling them to do so.

The Scottish Ministers consider the provision made by this Order to be necessary or expedient in consequence of the provisions in the Police Act 1997<sup>(2)</sup> and the Protection of Vulnerable Groups (Scotland) Act 2007<sup>(3)</sup> in relation to disclosure of spent criminal convictions and other related matters which may be incompatible with Convention rights<sup>(4)</sup>.

In accordance with section 12(2) of the 2001 Act the Scottish Ministers are of the opinion that there are compelling reasons for making a remedial order as distinct from taking any other action.

In accordance with section 14(1) of the 2001 Act it appears to the Scottish Ministers that, for reasons of urgency, it is necessary to make a remedial order without following the procedure under section 13(2) to (4) of the 2001 Act.

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(1) [2001 asp 7](#).

(2) [1997 c.50](#). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c.46\)](#).

(3) [2007 asp 14](#).

(4) The “Convention rights” has the meaning given by section 1 of the Human Rights Act [1998 \(c.42\)](#). In the case of *R (on the application of T and another) v Secretary of State for the Home Department and another* [2014] UKSC 35 (judgment of 18th June 2014), the Supreme Court made a declaration of incompatibility under section 4 of the Human Rights Act 1998 that the provisions of sections 113A and 113B of the Police Act 1997 (as applicable in England and Wales) were incompatible with article 8 of the Convention because the requirements in relation to blanket disclosure of all spent convictions were not in accordance with the law. Similar provisions in sections 113A and 113B of the Police Act 1997 (as applicable in Scotland) may be incompatible with article 8 of the Convention. Section 49(1)(a) of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”) relies on section 113A(3)(a) of the Police Act 1997 and may also be incompatible with article 8 of the Convention.

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

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