

## SCHEDULE 1

Article 3(a)

### PROCEEDINGS

1. Proceedings in respect of a person's admission to, or disciplinary proceedings against a member of, any profession specified in Part 1 of Schedule 4 to this Order.
2. Disciplinary proceedings against a constable.
3. Proceedings before the Gambling Commission.
4. Proceedings under the Mental Health (Care and Treatment) (Scotland) Act 2003(1) before the Mental Health Tribunal for Scotland or the Mental Welfare Commission for Scotland.
5. Proceedings under the Firearms Act 1968(2) in respect of—
  - (a) the registration of a person as a firearms dealer, the removal of a person's name from a register of firearms dealers or the imposition, variation or revocation of conditions of any such registration;
  - (b) the grant, renewal, variation or revocation of a firearm certificate;
  - (c) the grant, renewal or revocation of a shot gun certificate; or
  - (d) the grant of a permit under section 7(1), 9(2) or 13(1)(c) of that Act(3).
6. Proceedings in respect of the grant, renewal or variation of a licence under section 25 (restrictions on persons under eighteen going abroad for the purpose of performing for profit) of the Children and Young Persons Act 1933(4).
7. Proceedings in respect of a determination by the Scottish Ministers as to the suitability of a person to be the proprietor of an independent school within the meaning of section 135 of the Education (Scotland) Act 1980(5) including proceedings before the sheriff principal in respect of the above matters under section 102 of the Education (Scotland) Act 1980(6).
8. Proceedings in respect of an application for, or cancellation of the Scottish Ministers' approval of a place under section 1 of the Abortion Act 1967(7).
9. Proceedings before Social Care and Social Work Improvement Scotland under Part 5 of the 2010 Act.
10. Proceedings under the Control of Explosives Regulations 1991 ("the 1991 Regulations")(8) in respect of—

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(1) 2003 asp 13.

(2) 1968 c.27.

(3) Section 13(1)(c) was amended by the Firearms (Amendment) Act 1988 (c.45), section 23(3).

(4) 1933 c.12. Section 25 was amended by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276), regulation 5, by the Employment Act 1989 (c.38), section 10(2) and Schedule 3, Part III, paragraph 6(b), and by the Courts Act 2003 (c.39), Schedule 8, paragraph 73.

(5) 1980 c.44. The definition of "independent school" in section 135 was amended by the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), section 3, and by the Standards in Scotland's Schools etc. Act 2000 (asp 6), Schedule 2, paragraph 3(9).

(6) Section 102 was amended by the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), section 6(1); Schedule 1, paragraph 1(6); Schedule 2, paragraph 1.

(7) 1967 c.87. Section 1 was amended by the Human Fertilisation and Embryology Act 1990 (c.37), section 37; by the Health Services Act 1980 (c.53), sections 1 and 2 and Schedule 1, paragraph 17(1); by the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 30; by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and Schedule 9, paragraph 8; by the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), Schedule 1, paragraph 6 and by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 4, paragraph 10.

(8) S.I. 1991/1531.

*Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 ISBN 978-0-11-101908-5*

- (a) the application to the chief officer of police for an explosives certificate pursuant to regulation 4(9) of the 1991 Regulations certifying a person to be a fit person to acquire or acquire and keep explosives;
- (b) the revocation of such certificates pursuant to regulation 5(10) of the 1991 Regulations; or
- (c) the application to the sheriff pursuant to regulation 6(4) of the 1991 Regulations against application of the provisions relating to prohibited persons.

**11.** Proceedings by way of appeal against, or review of, any decision taken, by virtue of any of the provisions of this Order, on consideration of a spent conviction or a spent alternative to prosecution.

**12.** Proceedings held for the receipt of evidence affecting the determination of any question arising in any proceedings specified in this Schedule.

**13.** Proceedings held in respect of an application for the grant, renewal, or cancellation of a licence to be a taxi driver or private hire driver.

**14.** Proceedings—

- (a) before the National Lottery Commission in respect of the grant or revocation of a licence under Part 1 of the National Lottery etc. Act 1993(11); or
- (b) by way of appeal to the Court of Session against the revocation of any such licence by the National Lottery Commission.

**15.** Proceedings in connection with a decision of the Scottish Social Services Council under Part 3 of the 2001 Act.

**16.** Proceedings in respect of a decision by a local authority to—

- (a) refuse to enter a person in; or
- (b) remove a person from,

the register maintained by the authority under section 82(1) of the Antisocial Behaviour etc. (Scotland) Act 2004(12).

**17.** Proceedings before the Parole Board for Scotland.

**18.** Proceedings in respect of the award, suspension or withdrawal of accreditation under any accreditation scheme made by the Scottish Ministers under section 11(1) of the Criminal Justice (Scotland) Act 2003(13).

**19.** The following proceedings under the Proceeds of Crime Act 2002(14)—

- (a) proceedings under Chapters 2 or 3 of Part 5;
- (b) proceedings in relation to a notice under section 317(2), 321(2) or 322(2); and
- (c) proceedings in respect of an application made under Part 8 in connection with a civil recovery investigation (within the meaning of section 341).

**20.** Proceedings under section 11 of the Private Security Industry Act 2001(15).

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(9) Regulations 4 was amended by the Manufacture and Storage of Explosives Regulations 2005 (S.I. 2005/1082) Schedule 5(2) paragraph 34(4) and by the Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009 (S.I. 2009/693), Schedule 1, paragraph 1(4).

(10) Regulation 5 was amended by the Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009 (S.I. 2009/693), Schedule 1, paragraph 1(5).

(11) 1993 c.39.

(12) 2004 asp 8.

(13) 2003 asp 7.

(14) 2002 c.29.

(15) 2001 c.12. Section 11 was amended by the Courts Act 2003 (c.39), Schedule 8, paragraph 395; by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 15, paragraph 6; and by the Justice and Security (Northern Ireland) Act 2007 (c.6), section 49(2).

21. The following proceedings under the Adults with Incapacity (Scotland) Act 2000(16)—
  - (a) proceedings before the sheriff under section 20(17) of that Act;
  - (b) proceedings before the Public Guardian or the sheriff under Part 3 of that Act; and
  - (c) proceedings before the sheriff in respect of intervention orders or guardianship orders within the meaning of that Act.
22. Proceedings for or in connection with the recovery of compensation under sections 7A to 7D of the Criminal Injuries Compensation Act 1995(18).
23. Proceedings before the Scottish Criminal Cases Review Commission.
24. Proceedings before the assessor appointed either by the Scottish Ministers under section 133(4) of the Criminal Justice Act 1988(19) or in accordance with any scheme operated by the Scottish Ministers for the payment of compensation to a person who has spent time in custody following a wrongful conviction or charge.
25. Proceedings before the NHS Tribunal under Part II of the National Health Service (Scotland) Act 1978(20).
26. Proceedings before the Court of Session or the sheriff in respect of a guardianship order made under section 11 of the Children (Scotland) Act 1995(21).
27. Proceedings under Part 1 (consideration as to listing) of the 2007 Act.
28. Proceedings before the Court of Session or the sheriff in order to determine the suitability of a person to become a lay representative.

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(16) 2000 asp 4.

(17) Section 20 was amended by the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 57(5).

(18) 1995 c.53. Sections 7A to 7D were added by the Domestic Violence, Crime and Victims Act 2004 (c.28), section 57(2) as applied to Scotland by the Management of Offenders etc. (Scotland) Act 2005 (asp 14), section 20(1) and amended by the Management of Offenders etc. (Scotland) Act 2005 (asp 14), section 20(2).

(19) 1988 c.33.

(20) 1978 c.29.

(21) 1995 c.36. Section 11 was amended by the European Communities (Matrimonial and Parental Responsibility Jurisdiction and Judgments) (Scotland) Regulations (S.S.I. 2005/42), regulation 9; by the Adoption and Children (Scotland) Act 2007 (asp 4), section 107, Schedule 2, paragraph 9(2), Schedule 3 paragraph 1; by the Human Fertilisation and Embryology Act 2008 (c.22), Schedule 6(2), paragraph 52(2) and the Family Law (Scotland) Act 2006 (asp 2), section 24.