

SCHEDULE 3

Evidence to support security declarations

Attestations

2.—(1) Evidence to support a security declaration by an associate meets the requirements in this regulation if the evidence is an attestation that certifies that the inclusion of one or more required details of the associate in the RCI would put the associate, or an individual connected with the associate, at risk of violence, abuse, threat of violence or abuse, or intimidation.

(2) The attestation must—

- (a) state the date on which the attestation is made,
- (b) state the period for which it has effect (being a period of not less than 1 year, and not more than 5 years, beginning with the day on which the attestation is made), and
- (c) be signed by a person referred to in sub-paragraph (3).

(3) For the purposes of sub-paragraph (2)(c), the persons are—

- (a) a police officer holding the rank of inspector or above in—
 - (i) the Police Service of Scotland,
 - (ii) any police force in England and Wales,
 - (iii) the Police Service of Northern Ireland,
- (b) the Director General of the Security Service,
- (c) the Director General of the National Crime Agency,
- (d) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968⁽¹⁾,
- (e) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970⁽²⁾,
- (f) any director of children’s services in England within the meaning of section 18 of the Children Act 2004⁽³⁾,
- (g) any director of social services in Wales within the meaning of section 6(A1) of the Local Authority Social Services Act 1970,
- (h) any director of social services of a Health and Social Services Board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁴⁾,
- (i) any executive director of social work of a Health and Social Services trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991⁽⁵⁾,
- (j) any registered medical practitioner,
- (k) any registered nurse or midwife,
- (l) any person who manages a refuge.

(1) 1968 c.49. Section 3 was substituted by section 45 of the Local Government etc. (Scotland) Act 1994 (c.39).

(2) 1970 c.42. Subsection A1 was inserted by paragraph 2(2)(a) of schedule 2 of the Children Act 2004 (c.31).

(3) 2004 c.31. Section 18 was amended by paragraph 55 of schedule 2 of the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order (S.I. 2010/1158).

(4) S.I. 1972/1265 (N.I. 14).

(5) S.I. 1991/191 (N.I. 1). Article 10 was amended by section 32 and paragraph 1 of schedule 6 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1).

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 Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 ISBN 978-0-11-104875-7

(4) For the purposes of sub-paragraph (3)(1), “refuge” means accommodation together with a planned programme of therapeutic and practical support for victims of, or those at risk of, domestic abuse or violence.