
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 52

**The Police Act 1997 and the Protection of Vulnerable
Groups (Scotland) Act 2007 Remedial Order 2018**

Amendment of the 1997 Act

3.—(1) The 1997 Act is amended as follows.

(2) In section 116ZA (copies of criminal record certificate or enhanced criminal record certificate)(1)—

(a) in subsection (1)(b), for the words from “for” to the end substitute “which falls within subsection (1A)”;

(b) after subsection (1) insert—

“(1A) A conviction falls within this subsection if it is—

(a) a conviction for an offence listed in schedule 8A which is a spent conviction and either—

(i) the person was aged under 18 on the date of conviction and at least 7 years and 6 months have passed since the date of the conviction, or

(ii) the person was aged 18 or over on the date of conviction and at least 15 years have passed since the date of conviction,

(b) a conviction for an offence listed in schedule 8B which is—

(i) a spent conviction, but

(ii) not a protected conviction.”;

(c) in subsection (3)(b), for the words from “for” to the end substitute “which falls within subsection (1A)”.

(3) In section 116ZB (application for an order for a new criminal record certificate or enhanced criminal record certificate)(2), in subsection (1)(b), for the words from “for” to the end substitute “which falls within section 116ZA(1A)”.

(4) The title of schedule 8A (offences which must always be disclosed)(3) becomes “Offences which must be disclosed unless a sheriff orders otherwise”.

(5) In schedule 8B (offences which are to be disclosed subject to rules)(4)—

(a) in paragraph 75, for “and” substitute “or”;

(b) in paragraph 81, sub-paragraph (c) and the word “and” immediately preceding it are repealed.

(1) Section 116ZA was inserted by article 3(4) of [S.S.I. 2015/423](#).

(2) Section 116ZB was inserted by article 3(4) of [S.S.I. 2015/423](#).

(3) Schedule 8A was inserted by article 3(8) of [S.S.I. 2015/423](#).

(4) Schedule 8B was inserted by article 3(8) of [S.S.I. 2015/423](#).