

SCHEDULE 3

SPECIFIED OFFENCES

Offences in Scotland

- 2.—(1) An offence of rape under section 1 of the Sexual Offences (Scotland) Act 2009⁽¹⁾.
- (2) An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995⁽²⁾.
- (3) The common law offence of plagiary (theft of a child below the age of puberty).
- (4) An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982⁽³⁾ (offences relating to indecent photographs of children).
- (5) An offence under section 3 of the Sexual Offences (Amendment) Act 2000⁽⁴⁾ (abuse of trust).
- (6) An offence under any of the following—
- (a) section 81, 83 or 89 of the Children (Scotland) Act 1995⁽⁵⁾, section 59(1) or 171(2) of the Children's Hearings (Scotland) Act 2011 or section 17(8) or 71 of the Social Work (Scotland) Act 1968⁽⁶⁾ (harbouring offences);
 - (b) section 6 of the Child Abduction Act 1984⁽⁷⁾ (taking or sending child out of the United Kingdom);
 - (c) section 15 of the Foster Children (Scotland) Act 1984 (offences relating to private fostering).
- (7) An offence under or by virtue of section 60(3), 61(3) or 62(6) of the Social Work (Scotland) Act 1968⁽⁸⁾ (offences relating to residential and other establishments).
- (8) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following sections of the Public Services Reform (Scotland) Act 2010—
- (a) section 78 (regulations: care services),
 - (b) section 80 (offences in relation to registration under Chapter 3), or
 - (c) section 81 (false statements in application under Chapter 3).
- (9) An offence under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014 (offence of forced marriage: Scotland).

Commencement Information

- II** Sch. 3 para. 2 in force at 6.12.2022 in accordance with reg. 1(2)

- (1) 2009 asp 9.
- (2) 1995 c. 46.
- (3) 1982 c. 45. Section 52 was amended by section 5 of, and Schedule 4 to, the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40) and section 16 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9). Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33). Sections 52 and 52A were amended by section 84 of the Criminal Justice and Public Order Act 1994 (c. 33), section 19 of the Criminal Justice (Scotland) Act 2003 (asp 7), and section 41 of, and paragraph 13 of Schedule 7 to, the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).
- (4) 2000 c. 44. Section 3 was repealed in relation to England, Wales and Northern Ireland by paragraph 45 of Schedule 6 to the Sexual Offences Act 2003. It was repealed in relation to Scotland by Schedule 6 to the Sexual Offences (Scotland) Act 2009.
- (5) Sections 81 and 83 were repealed by section 203(2) of, and Schedule 6 to, the Children's Hearings (Scotland) Act 2011 asp 1. Section 89 was repealed by section 120(2) of, and Schedule 3 to, the Adoption and Children (Scotland) Act 2007.
- (6) Repealed by section 105(5) of, and Schedule 5 to, the Children (Scotland) Act 1995.
- (7) 1984 c. 37. Section 6 was amended in relation to Scotland by section 105(4) of, and Schedule 4 to, the Children (Scotland) Act 1995.
- (8) Sections 60, 61 and 62 were repealed by section 80(1) of and Schedule 4 to, the Regulation of Care (Scotland) Act 2001, subject to savings specified in articles 11 and 13 of S.S.I. 2002/162.

Changes to legislation: There are currently no known outstanding effects for the The Child Minding and Day Care (Disqualification) (No. 2) (Wales) Regulations 2022, Paragraph 2. (See end of Document for details)

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