



# Protection of Children (Scotland) Act 2003

## 2003 asp 5

### *Interpretation and general*

#### **18 Interpretation**

(1) In this Act—

- “the 2001 Act” means the Regulation of Care (Scotland) Act 2001 (asp 8);
- “agency for the supply of nurses” has the meaning given by section 32 of the Nurses (Scotland) Act 1951 (c. 55);
- “child” means a person under the age of 18;
- “child care position” has the meaning given by schedule 2 to this Act;
- “disciplinary proceedings” means proceedings in which the regulatory body for a profession is to decide whether disciplinary action should be taken against an individual carrying on that profession;
- “disqualified from working with children” is to be construed in accordance with section 17 above;
- “employment agency” and “employment business” have the same meanings as in the Employment Agencies Act 1973 (c. 35);
- “harm” includes harm which is not physical harm;
- “legal proceedings” means civil or criminal proceedings in or before any court or tribunal;
- “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);
- “managers of an educational establishment” has the same meaning as in the Education (Scotland) Act 1980 (c. 44);
- “organisation” means—
  - (a) a body corporate or unincorporate;
  - (b) an individual who, in the course of a business, employs or otherwise gives work to other persons;
  - (c) the managers of an educational establishment;
- “prescribed” means prescribed by regulations made by the Scottish Ministers;
- “term of detention” means a term of detention—
  - (a) in a young offenders institution; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) by virtue of section 208 of the [Criminal Procedure \(Scotland\) 1995 Act \(c.46\)](#), in some other place;

“work” includes—

- (a) work of any kind, whether paid or unpaid and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract;
- (b) an office established by or by virtue of a prescribed enactment, and
- (c) caring for, or supervising, children whilst participating in any other organised activity,

and references to an individual “working” are to be construed accordingly.

(2) For the purposes of this Act, an individual is made redundant if—

- (a) the individual is dismissed; and
- (b) for the purposes of the [Employment Rights Act 1996 \(c. 18\)](#) the dismissal is by reason of redundancy.