



# Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

## PART 1

### THE LISTS

#### *Appeals against listing*

#### **21 Appeals against inclusion in children's list**

- (1) An individual listed under section 15 may appeal to the sheriff against Ministers' decision to list the individual in the children's list.
- (2) Such an appeal must be lodged—
  - (a) within 3 months of the date on which the individual was listed, or
  - (b) by such later date as the sheriff may, on cause shown, allow.
- (3) The sheriff must determine an appeal under subsection (1)—
  - (a) where the sheriff is satisfied by information relating to the individual's conduct that the individual is unsuitable to work with children, by confirming Ministers' decision to list the individual in the children's list, or
  - (b) where the sheriff is not so satisfied, by directing Ministers to remove the individual from the children's list.

#### **22 Appeals against inclusion in adults' list**

- (1) An individual listed under section 16 may appeal to the sheriff against Ministers' decision to list the individual in the adults' list.
- (2) Such an appeal must be lodged—
  - (a) within 3 months of the date on which the individual was listed, or
  - (b) by such later date as the sheriff may, on cause shown, allow.
- (3) The sheriff must determine an appeal under subsection (1)—

- (a) where the sheriff is satisfied by information relating to the individual's conduct that the individual is unsuitable to work with protected adults, by confirming Ministers' decision to list the individual in the adults' list, or
- (b) where the sheriff is not so satisfied, by directing Ministers to remove the individual from the adults' list.

## **23 Further appeals in relation to inclusion in either list**

- (1) The sheriff's determination under section 21 or 22 may be appealed to the sheriff principal by—
  - (a) the individual, or
  - (b) Ministers.
- (2) The sheriff principal's determination of an appeal under subsection (1) may, with the leave of the sheriff principal, be appealed to the Inner House of the Court of Session on a point of law by—
  - (a) the individual, or
  - (b) Ministers.
- (3) The decision of—
  - (a) the sheriff principal, or
  - (b) if leave is granted to appeal to the Inner House, that House,on any appeal is final.

## **24 Appeals in relation to listing: supplementary**

- (1) No finding of fact on which any conviction is based may be challenged on an appeal under section 21, 22 or 23.
- (2) Any court proceedings under section 21, 22 or 23 may take place in private if the court considers it appropriate in all the circumstances.