

**2004 No. 556 (C. 42)**

**EDUCATION**

**The Protection of Children (Scotland) Act 2003  
(Commencement No. 1) Amendment Order 2004**

*Made* - - - - *23rd December 2004*

The Scottish Ministers, in exercise of the powers conferred by section 22(2) and (3) of the Protection of Children (Scotland) Act 2003(a), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation**

1. This Order may be cited as the Protection of Children (Scotland) Act 2003 (Commencement No. 1) Amendment Order 2004.

**Amendment of the Protection of Children (Scotland) Act 2003 (Commencement No. 1) Order 2004**

2. For article 2 of the Protection of Children (Scotland) Act 2003 (Commencement No. 1) Order 2004(b) substitute—

“2.—(1) The day appointed for the coming into force of those provisions of the Protection of Children (Scotland) Act 2003 (referred to in this article as “the 2003 Act”) not yet in force, with the exception of section 11(3) (offences committed by an organisation relating to work in a child care position), is 10th January 2005.

(2) The day appointed for the coming into force of section 11(3)(a) of the 2003 Act (offence for an organisation to offer work in a child care position to, or procure such work for, an individual who is disqualified from working with children), is 11th April 2005.”

*EUAN MACFARLANE ROBSON*  
Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
23rd December 2004

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Protection of Children (Scotland) Act 2003 (Commencement No. 1) Order 2004 to defer commencement of the offence provision in section 11(3)(a) of the 2003 Act.

Article 2(1) brings into force on 10th January 2005 all the provisions of the Protection of Children (Scotland) Act 2003 (“the 2003 Act”) so far as not yet in force with the exception firstly of the offence provision in section 11(3)(a) of the 2003 Act where an organisation offers work in a child care position to, or procures such work for, an individual who is disqualified from working with children within the meaning of section 17 of the 2003 Act and secondly of the offence provision in section 11(3)(b) of the 2003 Act where an organisation fails to remove an individual who is disqualified from working with children within the meaning of section 17 of the 2003 Act from a child care position.

Article 2(2) brings into force on 11th April 2005 the offence provision in section 11(3)(a) of the 2003 Act.

Sections 21 (provision on orders and regulations) and 22 (the short title and commencement) of the 2003 Act came into force on Royal Assent.

The provisions in section 24 of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5) which amended section 10 of the 2003 Act (references of individuals to the Scottish Ministers for inclusion in the list of those disqualified from working with children) were brought into force on 4th October 2004 by S.S.I. 2004/405 (c.28).

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