

**2010 No. 382**

**POLICE**

**The Police Act 1997 (Alteration of the Meaning of Suitability  
Information relating to Children and Protected Adults)  
(Scotland) (No. 2) Order 2010**

*Made* - - - - *2nd November 2010*

*Laid before the Scottish Parliament* *4th November 2010*

*Coming into force in accordance with article 1(1)*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 113CC(1)(a) and (b) of the Police Act 1997<sup>(a)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Police Act 1997 (Alteration of the Meaning of Suitability Information relating to Children and Protected Adults) (Scotland) (No. 2) Order 2010 and comes into force immediately after the Police Act 1997 (Alteration of the Meaning of Suitability Information relating to Children and Protected Adults) (Scotland) Order 2010<sup>(b)</sup> comes into force.

**Alteration of the meaning of suitability information relating to children**

2. In section 113CA (suitability information relating to children) of the Police Act 1997, subsection (2)(d) is repealed.

**Alteration of the meaning of suitability information relating to protected adults**

3. In section 113CB (suitability information relating to protected adults) of the Police Act 1997, subsection (2)(d) is repealed.

*ADAM INGRAM*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
2nd November 2010

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(a) 1997 c.50 ("the 1997 Act"). Sections 113CA, 113CB and 113CC were inserted into the 1997 Act by paragraph 29 of schedule 4 to the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14). Sections 113CA(2) and 113CB(2) were amended by the Police Act 1997 (Alteration of the Meaning of Suitability Information relating to Children and Protected Adults) (Scotland) Order 2010 (S.S.I. 2010/190).

(b) S.S.I. 2010/190.

## EXPLANATORY NOTE

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

This Order amends sections 113CA and 113CB of the Police Act 1997 (“the Act”). These sections provide that in such cases as may be prescribed an enhanced criminal record certificate issued under Part 5 of the Act must also include suitability information relating to children (section 113CA) or protected adults (section 113CB).

Sections 113CA(2) and 113CB(2) specify what suitability information relating to children and protected adults is. Those sections have been amended by the Police Act 1997 (Alteration of the Meaning of Suitability relating to Children and Protected Adults) (Scotland) Order 2010 (S.S.I. 2010/190). Articles 2 and 3 of this Order directly amend sections 113CA(2) and 113CB(2) respectively to repeal subsection (2)(d) in each section. This means that information as to whether the Independent Safeguarding Authority is considering whether to include the applicant in the children’s barred list in pursuance of paragraph 3 or 5 of, or in the adults’ barred list in pursuance of paragraph 9 or 11 of Schedule 3 to, the Safeguarding Vulnerable Groups Act 2006 is no longer suitability information relating to children or protected adults. This information is not available to Scottish Ministers.

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