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## EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”) and the Criminal Justice and Licensing (Scotland) Act 2010 (“the 2010 Act”) on 28th February 2011.

Article 2 brings fully into force all of the remaining provisions of the 2007 Act except for section 78(1). It also brings fully into force section 108 of the 2010 Act.

Articles 3 makes certain transitional and savings provisions in relation to any applications for a criminal record certificate under section 113A (known as standard disclosures) or an enhanced criminal record certificate under section 113B (known as enhanced disclosures) of the Police Act 1997. Article 3 allows Ministers to continue to process such applications (which have been received by Ministers by 27th February 2011) in accordance with the law in force immediately before the appointed day. Article 3 saves the relevant provisions which are amended by sections 78(2), (3) and (4) of, and paragraphs 28, 29, 30, 31, 32, 35 and 41 of schedule 4 to, the 2007 Act and by section 108(2) of the 2010 Act regarding applications for standard and enhanced disclosures. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2010 ([SSI 2010/243](#)) comes into force on the same day as section 91 of the 2007 Act and therefore article 3 also saves the provisions of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 ([SSI 2003/231](#) as amended) for the purposes of allowing Ministers to continue to process applications for standard and enhanced disclosures.

Articles 4 makes certain transitional and savings provisions in relation to any applications or other matters being processed under the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2006 (“the 2006 Regulations”). Article 4 allows Ministers to continue to process such applications or matters (which are being processed as at 27th February 2011) in accordance with the law in force immediately before the appointed day. Article 4 saves the relevant provisions which are amended by section 81 of, and paragraphs 36, 37 and 39 of schedule 4 to, the 2007 Act. The Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations ([SSI 2010/383](#)) come into force on the same day as section 44 of the 2007 Act and therefore article 4 also saves the provisions of the 2006 Regulations.

Article 5 makes certain transitional and savings provisions in relation to the Protection of Children (Scotland) Act 2003 (“the 2003 Act”). The Protection of Vulnerable Groups (Scotland) Act 2007 (Savings and Transitional Provisions) Order 2010 ([SSI 2010/180](#)) already makes savings and transitional provisions in relation to the Protection of Children (Scotland) Act 2003 ([asp 5](#)) (“the 2003 Act”). In order for the savings and transitional provisions in that Order to operate it is necessary to make savings provisions in relation to amendments to the Criminal Procedure (Scotland) Act 1995 ([c.46](#)) made by the Criminal Procedure (Amendment) (Scotland) Act 2004 ([asp 5](#)), the Charities and Trustee Investment (Scotland) Act 2005 ([asp 10](#)) and the Inquiries Act 2005 ([c.12](#)) which are being repealed by the 2007 Act.

Article 6 makes consequential amendments to the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 ([SSI 2010/168](#)), the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010 ([SSI 2010/383](#)) and the Police Act 1997 (Alteration of the Meaning of Suitability Information relating to Children and Protected Adults) (Scotland) Order 2010 ([SSI 2010/190](#)) to provide that those instruments come into force at the same time as section 44 of the 2007 Act. This amendment is appropriate since section 78, which was the trigger for their coming into force, is not fully commenced by this Order.