



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 1 **S**

THE LISTS

Appeals against listing

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

- (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.

Commencement Information

II [S. 21](#) in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

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

- (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—

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Appeals against listing is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.

Commencement Information

I2 S. 22 in force at 28.2.2011 by S.S.I. 2011/157, art. 2(a)

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

- (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.

Commencement Information

I3 S. 23 in force at 28.2.2011 by S.S.I. 2011/157, art. 2(a)

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

- (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.

Commencement Information

I4 S. 24 in force at 28.2.2011 by S.S.I. 2011/157, art. 2(a)

Changes to legislation:

Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Appeals against listing is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6A inserted by [2020 asp 13 s. 80\(2\)](#)
- s. 8(3)(za) inserted by [2020 asp 13 s. 82\(3\)](#)
- s. 10(1)(aa) inserted by [2020 asp 13 s. 80\(3\)](#)
- s. 13A-13C inserted by [2020 asp 13 s. 76\(2\)](#)
- s. 18(5) inserted by [2020 asp 13 sch. 5 para. 5\(2\)\(b\)](#)
- s. 30(3A)-(3C) inserted by [2020 asp 13 s. 77\(3\)](#)
- s. 45A inserted by [2020 asp 13 s. 71](#)
- s. 45B inserted by [2020 asp 13 s. 72](#)
- s. 45C-45G inserted by [2020 asp 13 s. 73\(2\)](#)
- s. 45H inserted by [2020 asp 13 s. 88\(3\)](#)
- s. 46A inserted by [2020 asp 13 s. 79](#)
- s. 49(3) inserted by [2020 asp 13 sch. 5 para. 5\(3\)\(c\)](#)
- s. 70(2)(d) inserted by [2020 asp 13 sch. 5 para. 10\(41\)\(b\)](#)
- s. 77(1A) inserted by [2020 asp 13 sch. 5 para. 10\(46\)\(b\)](#)
- s. 94(2A)(2B) inserted by [2020 asp 13 s. 75\(3\)](#)
- sch. 2 para. 31(1) words repealed by [2024 asp 5 Sch. para. 25\(2\)\(a\)\(i\)](#)
- sch. 2 para. 31 words substituted by [2024 asp 5 Sch. para. 19\(2\)](#)
- sch. 2 para. 31 words substituted by [2024 asp 5 Sch. para. 25\(2\)\(b\)](#)
- sch. 3 para. 24 words substituted by [2024 asp 5 Sch. para. 19\(3\)](#)