
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 168

**The Police Act 1997 (Criminal
Records) (Scotland) Regulations 2010**

Enhanced criminal record certificates – prescribed purpose and suitability information relating to children

10.—(1) For the purposes of section 113B(2)(b) an enhanced criminal record certificate can be required for the purposes of an exempted question asked in relation to a matter or an individual to which paragraph (2) relates and those matters and individuals to which paragraph (2) relates are also prescribed cases for the purposes of section 113CA(1).

(2) The individuals referred to in paragraph (1) are—

- (a) an individual seeking appointment as a member of an adoption panel or joint adoption panel under regulation 3 or 5 of the Adoption Agencies (Scotland) Regulations 2009 ^{M1};
- (b) an individual seeking appointment as a member of a fostering panel or joint fostering panel under regulation 17 or 19 of the Looked After Children (Scotland) Regulations 2009 ^{M2};
- (c) an individual appointed or seeking appointment as the Principal Reporter under section 128(4) of the Local Government etc. (Scotland) Act 1994 ^{M3} or under section 128(5) of that Act of 2004 as an officer to assist the Principal Reporter;
- (d) an individual appointed or seeking appointment to a panel established by virtue of section 101(1) of the Children (Scotland) Act 1995 ^{M4} (panels for curators ad litem, reporting officers and safeguarders);
- (e) an individual being assessed by an adoption agency as to their suitability to adopt a child (this sub-paragraph and sub-paragraph (f) being construed in accordance with sections 1 and 119(1) and (2) of the Adoption and Children (Scotland) Act 2007 ^{M5});
- (f) an individual over the age of 16 residing in the same household as an individual being assessed by an adoption agency as to their suitability to adopt a child;
- (g) proceedings before the Court of Session or the sheriff in respect of a guardianship order made under section 11 of the Children (Scotland) Act 1995;
- (h) an individual over the age of 16 who—
 - (i) resides on the same premises as an individual being assessed as to their suitability to be a childminder within the meaning of [F1] paragraph 12 of schedule 12 to the Public Services Reform (Scotland) Act 2010] where the child minding normally takes place on those premises; or
 - (ii) regularly works on those premises at a time when the child minding takes place;
- (i) an individual over the age of 16 residing in the same household as an individual being assessed as to their suitability to be a foster carer within the meaning of section 96 of the Protection of Vulnerable Groups (Scotland) Act 2007 ^{M6};
- (j) an individual over the age of 16 residing in the same household as an individual being assessed as to their suitability to be a host parent within the meaning of paragraph 11A of schedule 2 to the Protection of Vulnerable Groups (Scotland) Act 2007 [F2,]

[^{F3}(k) an individual whose suitability to provide accommodation, to a person who has permission to enter into or to stay in the United Kingdom granted under the immigration rules laid down under section 3(2) of the Immigration Act 1971 in relation to the Homes for Ukraine Sponsorship Scheme, is being assessed,]

[^{F4}(l) an individual over the age of 16 years who—

(i) resides in the same household as an individual whose suitability to provide accommodation, to a person who has permission to enter into or stay in the United Kingdom granted under the immigration rules laid down under section 3(2) of the Immigration Act 1971 in relation to the Homes for Ukraine Sponsorship Scheme, is being assessed, and

(ii) the individual being assessed resides in the accommodation being provided.]

Textual Amendments

- F1** Words in [reg. 10\(2\)\(h\)\(i\)](#) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 1 para. 44**
- F2** [Reg. 10\(2\)\(k\)\(l\)](#) inserted (24.3.2022) by [The Police Act 1997 \(Criminal Records\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/97\)](#), regs. 1, **2(2)**
- F3** [Reg. 10\(2\)\(k\)](#) substituted (12.5.2022) by [The Police Act 1997 \(Criminal Records\) \(Homes for Ukraine Sponsorship Scheme\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/158\)](#), regs. 1, **2(2)(a)**
- F4** [Reg. 10\(2\)\(l\)](#) substituted (12.5.2022) by [The Police Act 1997 \(Criminal Records\) \(Homes for Ukraine Sponsorship Scheme\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/158\)](#), regs. 1, **2(2)(b)**

Marginal Citations

- M1** S.S.I. 2009/154.
- M2** S.S.I. 2009/210.
- M3** [1994 c.39](#).
- M4** [1995 c.36](#).
- M5** 2007 asp 4.
- M6** 2007 asp 14.

Changes to legislation:

There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010, Section 10.