
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 180

**The Protection of Vulnerable Groups (Scotland) Act
2007 (Savings and Transitional Provisions) Order 2010**

Saving and transitional provision in relation to appeals under section 15 of the 2003 Act

11.—(1) Where, prior to the relevant date, an individual has appealed under section 15(1), or (5) of the 2003 Act but that appeal has not been finally disposed of, section 15 continues to apply in relation to that appeal subject to paragraph 5.

(2) For the purposes of paragraph (1) an appeal under section 15(1) of the 2003 Act is finally disposed of when—

- (a) the sheriff has decided the appeal under section 15(1) of that Act and the time allowed to appeal against that decision has expired without any appeal having been lodged under section 15(4) of that Act;
- (b) the sheriff has decided the appeal under section 15(1) of that Act and an appeal is lodged under section 15(4) of that Act and the sheriff principal has decided the appeal without leave to appeal being granted;
- (c) the sheriff principal has decided the appeal under section 15(4) of the 2003 Act and granted leave to appeal, and the time allowed to appeal against the sheriff principal's decision has expired without any appeal being lodged under section 15(6) of that Act; or
- (d) the Court of Session has decided the appeal under section 15(6) of the 2003 Act.

(3) For the purposes of paragraph (1) an appeal under section 15(5) of the 2003 Act is finally disposed of when—

- (a) the sheriff principal has decided the appeal under section 15(5) of the 2003 Act without leave to appeal being granted;
- (b) the sheriff principal has decided the appeal under section 15(5) of the 2003 Act and granted leave to appeal, and the time allowed to appeal against the sheriff principal's decision has expired without any appeal being lodged under section 15(6) of that Act; or
- (c) the Court of Session has decided the appeal under section 15(6) of the 2003 Act.

(4) Where, prior to the relevant date, an individual has appealed under section 15(1) of the 2003 Act but the sheriff has not by that date determined whether to allow the appeal under section 15(2) section 15 of the 2003 Act continues to apply in relation to that appeal subject to paragraph (2).

(5) Section 15 of the 2003 Act is to be read as if it had been modified as follows—

- (a) in subsection (3), for “the list” there was substituted “the children’s list kept under section 1(1) of the Protection of Vulnerable Groups (Scotland) Act 2007”;
- (b) for subsection (8), there was substituted—

“In allowing or dismissing an appeal, under subsection (6) above, of the decision of a sheriff principal on an appeal under subsection (5) above, the Inner House may by order specify a period other than the period specified in regulation 4 of the Protection of Vulnerable Groups (Scotland) Act 2007 (Applications for Removal from List and Late Representations) (Procedure etc.) Regulations 2010

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as the period during which the individual may not make a further application to Ministers for removal from the children’s list under section 25 of the Protection of Vulnerable Groups (Scotland) Act 2007.’.