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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 423**

**The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015**

*Transitional provision*

**Current applications for criminal record certificates and enhanced criminal record certificates under sections 113A, 113B, 114 and 116 of the 1997 Act**

- 5.—(1) Paragraph (2) of this article applies where the Scottish Ministers—
- (a) have, before the relevant date, received an application for—
    - (i) a criminal record certificate under section 113A (criminal record certificates) or, as the case may be, section 114 (criminal record certificates: Crown employment) of the 1997 Act; or
    - (ii) an enhanced criminal record certificate under section 113B (enhanced criminal record certificates) or, as the case may be, section 116 (enhanced criminal record certificates: judicial appointments and Crown employment) of the 1997 Act; and
  - (b) have not by that date issued the certificate.
- (2) An application referred to in paragraph (1) is to be treated for all purposes as having been received after the relevant date.
- (3) Paragraph (4) applies where before the relevant date the Scottish Ministers have issued—
- (a) a criminal record certificate under section 113A or, as the case may be, section 114 of the 1997 Act; or
  - (b) an enhanced criminal record certificate under section 113B or, as the case may be, section 116 of the 1997 Act.
- (4) Section 116ZB(2) of the 1997 Act as inserted by article 3(4) of this Order does not apply in relation to the certificate.

**Current applications for new certificates under section 117 of the 1997 Act**

- 6.—(1) Paragraph (2) of this article applies where the Scottish Ministers—
- (a) have, before the relevant date, received an application for a new criminal record certificate or, as the case may be, a new enhanced criminal record certificate under sections 113A to 116 of the 1997 Act in accordance with section 117 (disputes about accuracy of certificates) of the 1997 Act; and
  - (b) have not by that date issued the new certificate.
- (2) An application referred to in paragraph (1) is to be treated for all purposes as having been received after the relevant date.

**Current applications for registration under section 120 of the 1997 Act**

- 7.—(1) Paragraph (2) of this article applies where the Scottish Ministers—

- (a) have, before the relevant date, received an application for registration under section 120 (registered persons) of the 1997 Act; and
- (b) have not by that date included the person in the register kept under section 120 of the 1997 Act.

(2) An application referred to in paragraph (1) is to be treated for all purposes as having been received after the relevant date.

#### **Current disclosure requests under sections 52 and 53 of the 2007 Act**

8.—(1) Paragraph (2) of this article applies where the Scottish Ministers—

- (a) have, before the relevant date, received a request for—
  - (i) disclosure of a scheme member's scheme record under section 52 (disclosure of scheme records) of the 2007 Act; or
  - (ii) disclosure of a scheme member's short scheme record under section 53 (disclosure of short scheme records) of the 2007 Act; and
- (b) have not by that date disclosed the scheme record or, as the case may be, short scheme record.

(2) Any request for a disclosure referred to in paragraph (1)(a) is to be treated for all purposes as having been received after the relevant date.

#### **Correction of scheme records under section 51 of the 2007 Act**

9.—(1) Paragraph (2) of this article applies where the Scottish Ministers—

- (a) have, before the relevant date, received—
  - (i) a notification of changes under section 50 (duty to notify certain changes) of the 2007 Act; or
  - (ii) a request from a scheme member for correction of a scheme record under section 51 (correction of inaccurate scheme record) of the 2007 Act; and
- (b) have not by that date corrected the scheme record.

(2) A notification or, as the case may be, a request referred to in paragraph (1) is to be treated for all purposes as having been received after the relevant date.

(3) For the purposes of section 51, information is not to be regarded as inaccurate if it is information about a conviction which no longer falls within the definition of vetting information by virtue of the coming into force of this Order.

#### **Current nominations under regulation 4 of the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010**

10.—(1) Paragraph (2) of this article applies where the Scottish Ministers—

- (a) have, before the relevant date, received—
  - (i) a nomination of a countersignatory under regulation 4(1) or 4(2) (nomination of countersignatories) of the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010(1); or
  - (ii) representations under paragraph (6) of that regulation; and
- (b) have not by that date accepted the nomination.

(2) A nomination or, as the case may be, representations as referred to in paragraph (1) are to be treated for all purposes as having been received after the relevant date.