

2010 No. 189

CHILDREN AND YOUNG PERSONS

PROTECTION OF VULNERABLE ADULTS

**The Protection of Vulnerable Groups (Scotland) Act 2007
(Vetting Information) Regulations 2010**

Made - - - - - *12th May 2010*

Laid before the Scottish Parliament *13th May 2010*

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 49(1)(d) and 97(1)(a) of the Protection of Vulnerable Groups (Scotland) Act 2007(b) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Vetting Information) Regulations 2010 and come into force on the same day as section 44 of the Protection of Vulnerable Groups (Scotland) Act 2007.

Interpretation

2. In these Regulations—

- (a) “the Act” means the Protection of Vulnerable Groups (Scotland) Act 2007;
- (b) “the 2003 Act” means the Sexual Offences Act 2003(c); and
- (c) “the 2005 Act” means the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005(d).

Vetting information: civil orders

3. The following information is prescribed under section 49(1)(d) of the Act—

- (a) if a notification order, made under section 97(5) of the 2003 Act, is in effect in respect of the scheme member—
 - (i) the date of that order; and
 - (ii) the notification period applying to the scheme member by virtue of section 98(1)(b) of that Act;

(a) See section 97(1) for the definition of “prescribed”.
(b) 2007 asp 14.
(c) 2003 c.42.
(d) 2005 asp 9.

- (b) if an interim notification order, made under section 100(3) of the 2003 Act, is in effect in respect of the scheme member—
 - (i) the date of that order; and
 - (ii) the period for which that order has effect by virtue of section 100(4) of that Act;
- (c) if a sexual offences prevention order, made under section 104(1) or 105(3) of the 2003 Act, is in effect in respect of the scheme member—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 107(1)(b) of that Act; and
 - (iv) details as to whether that order has been varied or renewed under section 108(4) of that Act;
- (d) if an interim sexual offences prevention order, made under section 109(3) of the 2003 Act, is in effect in respect of the scheme member—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 109(4) of that Act; and
 - (iv) details as to whether that order has been varied or renewed under section 109(6) of that Act;
- (e) if a foreign travel order, made section 114(3) of the 2003 Act, is in effect in respect of the scheme member—
 - (i) the prohibitions specified in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 117(1) of that Act; and
 - (iv) details as to whether that order has been varied or renewed under section 118(3) of that Act;
- (f) if a risk of sexual harm order, made under section 123(4) of the 2003 Act, is in effect in respect of the scheme member—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 123(5)(b) of that Act; and
 - (iv) details as to whether that order has been varied or renewed under section 125(3) of that Act;
- (g) if an interim risk of sexual harm order, made under section 126(3) of the 2003 Act, is in effect in respect of the scheme member—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 126(4) of that Act; and
 - (iv) details as to whether that order has been varied or renewed under section 126(5) of that Act;
- (h) if a risk of sexual harm order, made under section 2(6) of the 2005 Act, is in effect in respect of the scheme member—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 2(7)(b) of that Act; and

- (iv) details as to whether that order has been varied or renewed under section 4(3) of that Act;
- (i) if an interim risk of sexual harm order, made under section 5(3) of the 2005 Act, is in effect in respect of the scheme member—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 5(5) of that Act; and
 - (iv) details as to whether that order has been varied or renewed under section 5(6) of that Act.

St Andrew's House,
Edinburgh
12th May 2010

ADAM INGRAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 49(1)(d) and 97(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) (“the Act”) and prescribe additional vetting information in relation to scheme members.

Section 49 of the Act specifies what vetting information is in relation to a scheme member. Under section 47 of the Act the Scottish Ministers must make enquiries for the purpose of discovering whether any vetting information exists in relation to new scheme members. Section 49(1)(d) enables other information to be prescribed as vetting information, in addition to the information detailed in section 49(1)(a) to (c).

Regulation 3 provides that vetting information will now include whether a scheme member is subject to:

- a sexual offences prevention order or an interim sexual offences prevention order made under the Sexual Offences Act 2003 (c.42) (“the 2003 Act”).
- a foreign travel order made under the 2003 Act.
- a risk of sexual harm order or an interim risk of sexual harm order made under the 2003 Act.
- a notification order or interim notification order made under the 2003 Act.
- a risk of sexual harm order or an interim risk of sexual harm order made under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9).

In addition to whether a scheme member is subject to these orders, vetting information will also include certain details of the order, the date the order was made and the period for which the order has effect, as well as details of whether the order has been varied or renewed by a further court order.

© Crown Copyright 2010

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.