

2010 No. 2660

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

CHILDREN AND YOUNG PERSONS

PROTECTION OF VULNERABLE ADULTS

The Protection of Vulnerable Groups (Scotland) Act 2007
(Consequential Provisions) Order 2010

Made 2nd November 2010

Laid 4th November 2010

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) and (7) of the Scotland Act 1998(a).

PART 1

Introduction

Citation and commencement

1. This Order may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010 and comes into force on the same day as section 1 of Protection of Vulnerable Groups (Scotland) Act 2007(b).

Interpretation

2. In this Order—

“the 2006 Act” means the Safeguarding Vulnerable Groups Act 2006(c);

“the 2007 Act” means the Protection of Vulnerable Groups (Scotland) Act 2007;

(a) 1998 c.46.
(b) 2007 asp 14.
(c) 2006 c.47.

“Independent Safeguarding Authority” and “ISA” mean the body established by section 1 of the 2006 Act(a);

“the 2007 Order” means the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(b); and

“police force” means—

- (a) a police force in England and Wales;
- (b) the Police Service of Northern Ireland;
- (c) the Royal Navy Police;
- (d) the Royal Military Police;
- (e) the Royal Air Force Police;
- (f) the Ministry of Defence Police;
- (g) the British Transport Police;
- (h) the Civil Nuclear Constabulary;
- (i) the Serious Organised Crime Agency;
- (j) the Child Exploitation and Online Protection Centre; and
- (k) in article 3(1) also includes—
 - (i) the States of Jersey Police Force;
 - (ii) the salaried police force of the Island of Guernsey;
 - (iii) the Isle of Man Constabulary; and
 - (iv) the Garda Síochána.

PART 2

Provision of information to the Scottish Ministers by the police

Provision of police information to the Scottish Ministers

3.—(1) For the purposes of their functions under Parts 1 and 2 of the 2007 Act, the Scottish Ministers may ask the chief officer of a relevant police force to provide them with any information relating to an individual which the chief officer thinks might be relevant in relation to the type of regulated work (within the meaning of the 2007 Act(c)) in relation to which a request under this paragraph is made.

(2) Where the chief officer of a police force receives a request under paragraph (1), the chief officer must comply with it as soon as practicable.

(3) The chief officer of a police force must not provide information to Scottish Ministers under paragraph (1) if the chief officer considers that disclosing the information to the individual to whom it relates would be contrary to the interests of the prevention or detection of crime.

(a) The Independent Barring Board (IBB) established by the Safeguarding Vulnerable Groups Act 2006 (c.47) was renamed the Independent Safeguarding Authority (ISA) by section 81(1) of the Policing and Crime Act 2009 (c.26).

(b) S.I. 2007/1351 (N.I. 11).

(c) Section 91 of the 2007 Act defines regulated work.

(4) In paragraph (1) the reference to “relevant police force” is to be read in the same way as it is read in relation to an application to the Scottish Ministers made under section 113B of the Police Act 1997(a).

(5) The Scottish Ministers must pay to the appropriate body such fee as the Secretary of State (or the Northern Ireland Executive in relation to the Police Service of Northern Ireland) thinks appropriate for information provided under paragraph (1).

(6) For the purposes of paragraph (5), the appropriate body means—

- (a) the police authority for a police force in England and Wales;
- (b) the Police Service of Northern Ireland;
- (c) the Provost Marshal for the Royal Navy Police, the Royal Military Police or the Royal Air Force Police;
- (d) the Ministry of Defence Police Committee for the Ministry of Defence Police;
- (e) the British Transport Police Authority for the British Transport Police;
- (f) the Civil Nuclear Police Authority for the Civil Nuclear Constabulary;
- (g) the Serious Organised Crime Agency;
- (h) the Home Affairs Committee for the States of Jersey Police Force;
- (i) the Home Department for the salaried police force of the Island of Guernsey;
- (j) the Department of Home Affairs for the Isle of Man Constabulary; or
- (k) the Department of Justice, Equality and Law Reform of the Government of Ireland for the Garda Síochána.

Provision of records of convictions and cautions to the Scottish Ministers

4. Any person who holds records of convictions, cautions or other information for the use of police forces generally must make those records available to the Scottish Ministers for the purposes of their functions under Parts 1 or 2 of the 2007 Act.

Provision of records of fingerprints to the Scottish Ministers

5. Any person who holds records of fingerprints for the use of police forces generally must make those records available to the Scottish Ministers for the purposes of section 63 of the 2007 Act.

PART 3

Provision of information to the Scottish Ministers by bodies subject to the 2006 Act

Duty to provide information to the Scottish Ministers on request

6.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person (“P”) in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove P from such a list.

(a) 1997 c.50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15) (“the 2005 Act”). By virtue of section 126(3) and (4) of the Police Act 1997, as inserted by section 166(2) of the 2005 Act, in the application of the 1997 Act to Scotland, references to the Secretary of State must be construed as references to the Scottish Ministers (except in section 118(2A)(d) or 124A(1) and (2)). Section 113B(10)(a) has been amended by paragraph 149 of Schedule 16 to the Armed Forces Act 2006 (c.52). Section 113B has been further amended, in relation to Scotland, by section 79(1) of the 2007 Act (which amended section 113B(1)) and section 108(2) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (which amended section 113B (3)). Section 113B(5A) was inserted by section 80 of the 2007 Act. Section 113B(9) provides that “relevant police force”, in relation to applications under section 113B, is a police force which is a relevant police force in relation to an application under regulations made by the Scottish Ministers. Regulation 8 of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (S.S.I. 2010/168) specifies the meaning of “relevant police force”.

(2) The Scottish Ministers may require—

- (a) any regulated activity provider (within the meaning of section 6 of the 2006 Act) who has made arrangements for P to engage in regulated activity (whether or not the arrangements are still in place); or
- (b) any responsible person (within the meaning of section 23 of the 2006 Act) who permits or has permitted P to engage in controlled activity,

to provide them with any information prescribed for the purposes of section 37(2)(a) and (b) of the 2006 Act which that person holds relating to P.

(3) The Scottish Ministers may require any personnel supplier (within the meaning of section 60 of the 2006 Act) which is an employment agency or employment business and which acts for or has acted for P to provide them with any information prescribed for the purposes of section 37(2)(c) of the 2006 Act which that person holds relating to P.

(4) For the purposes of paragraph (3)—

- (a) an employment agency acts for P if it makes arrangements with P with a view to—
 - (i) finding P relevant employment with an employer; or
 - (ii) supplying P to employers for relevant employment by them;
- (b) relevant employment is employment which consists in or involves engaging in regulated or controlled activity; and
- (c) an employment business acts for P if it employs P to engage in regulated or controlled activity for and under the control of other persons.

(5) The Scottish Ministers may require any personnel supplier which is an educational institution (within the meaning of section 60 of the 2006 Act) and which has supplied P to another person for P to engage in regulated or controlled activity to provide them with any information prescribed for the purposes of section 37(2)(d) of the 2006 Act which that person holds relating to P.

(6) In this article, “controlled activity” and “regulated activity” have the same meanings as in the 2006 Act^(a) and “employment” has the same meaning as in the Employment Agencies Act 1973^(b).

Duty to provide information: offence

7.—(1) A person commits an offence if—

- (a) the person is required under article 6 to provide the Scottish Ministers with any information; and
- (b) the person fails, without reasonable excuse, to provide the information.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale.

Local authorities: duty to provide information to the Scottish Ministers on request

8.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove any person from such a list.

(2) The Scottish Ministers may require a local authority to provide them with any information prescribed for the purposes of section 40 of the 2006 Act which the local authority holds relating to the person.

(3) The local authority must comply with a requirement under paragraph (2).

(a) Sections 21 and 22 of the Safeguarding Vulnerable Groups Act 2006 (c.47) provide the meaning of controlled activity; Schedule 4 to that Act provides the meaning of regulated activity.

(b) 1973 c.35.

(4) “Local authority” means a local authority in England and Wales as defined (in relation to England and Wales) in section 1 of the Local Authorities (Goods and Services) Act 1970(a).

Registers: duty to provide information to the Scottish Ministers on request

9.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person who appears on a relevant register in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove any person who appears on a relevant register from such a list.

(2) The Scottish Ministers may require the keeper of the register to provide them with any information prescribed for the purposes of section 42 of the 2006 Act which the keeper holds relating to the person.

(3) The keeper of the register must comply with a requirement under paragraph (2).

(4) References in this article to “a relevant register” and “the keeper of the register” must be construed in accordance with section 41(7) of the 2006 Act(b).

Supervisory authorities: duty to provide information to the Scottish Ministers on request

10.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove any person from such a list.

(2) The Scottish Ministers may require a supervisory authority within the meaning of section 45(7)(c) of the 2006 Act to provide them with any information prescribed for the purposes of section 46(d) of that Act which the supervisory authority holds relating to the person.

(3) The supervisory authority must comply with a requirement under paragraph (2).

PART 4

Provision of information to the Scottish Ministers by bodies subject to the 2007 Order

Provision of information by ISA to the Scottish Ministers

11. In Schedule 1 to the 2007 Order, after paragraph 22 insert—

“**22A.** ISA may provide the Scottish Ministers with such information as it thinks may be relevant to the exercise by the Scottish Ministers of their functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).”.

Duty to provide information to the Scottish Ministers on request

12.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person (“P”) in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove P from such a list.

(a) 1970 c.39.

(b) Section 41(7) has been amended by paragraph 9(2)(b) of Schedule 5 to the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order (S.I. 2009/1182) and by paragraph 15 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231).

(c) Section 45(7) has been amended by paragraph 91 of Schedule 5 to the Health and Social Care Act 2008 (c.14), by paragraph 30(b) of the Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order (S.I. 2009/2610) and by article 2 of the Safeguarding Vulnerable Groups Act 2006 (Supervisory Authorities and Devolution Alignment) Order (S.I. 2010/1073).

(d) There are amendments to section 46 of the 2007 Act, but they are not relevant to this Order.

(2) The Scottish Ministers may require—

- (a) any regulated activity provider (within the meaning of Article 10 of the 2007 Order) who has made arrangements for P to engage in regulated activity (whether or not the arrangements are still in place); or
- (b) any responsible person (within the meaning of Article 27 of the 2007 Order) who permits or has permitted P to engage in controlled activity,

to provide them with any information prescribed for the purposes of Article 39(2)(a) and (b) of the 2007 Order which that person holds relating to P.

(3) The Scottish Ministers may require any personnel supplier (within the meaning of Article 2(2) of the 2007 Order) which is an employment agency or employment business and which acts for or has acted for P to provide them with any information prescribed for the purposes of Article 39(2)(c) of the 2007 Order which that person holds relating to P.

(4) For the purposes of paragraph (3)—

- (a) an employment agency acts for P if it makes arrangements with P with a view to—
 - (i) finding P relevant employment with an employer; or
 - (ii) supplying P to employers for relevant employment by them;
- (b) relevant employment is employment which consists in or involves engaging in regulated or controlled activity; and
- (c) an employment business acts for P if it employs P to engage in regulated or controlled activity for and under the control of other persons.

(5) The Scottish Ministers may require any personnel supplier (within the meaning of Article 2(2) of the 2007 Order) which is an educational institution and which has supplied P to another person for P to engage in regulated or controlled activity to provide them with any information prescribed for the purposes of Article 39(2)(d) of the 2007 Order which that person holds relating to P.

(6) In this Article, “controlled activity” and “regulated activity” have the same meanings as in the 2007 Order^(a) and “employment” has the same meaning as in Part II of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981^(b).

Duty to provide information: offences

13.—(1) A person commits an offence if—

- (a) the person is required under article 12 to provide the Scottish Ministers with any information; and
- (b) the person fails, without reasonable excuse, to provide the information.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale.

Education and Library Boards and HSC Bodies: duty to provide information to the Scottish Ministers on request

14.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove any person from such a list.

(2) The Scottish Ministers may require an education and library board or HSC body to provide them with any information prescribed for the purposes of Article 42(2) of the 2007 Order which the education and library board or HSC body holds relating to the person.

(a) Articles 25 and 26 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (N.I. 11) provide the meaning of controlled activity; Schedule 2 to that Order provides the meaning of regulated activity.
(b) S.I. 1981/839 (N.I. 20).

(3) The education and library board or HSC body must comply with a requirement under paragraph (2).

(4) In this article, “HSC body” has the same meaning as in Article 2(2) of the 2007 Order^(a).

Registers: duty to provide information to the Scottish Ministers on request

15.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person who appears on a relevant register in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove any person who appears on a relevant register from such a list.

(2) The Scottish Ministers may require the keeper of the register to provide them with any information prescribed for the purposes of Article 44(2) of the 2007 Order which the keeper holds relating to the person.

(3) The keeper of the register must comply with a requirement under paragraph (2).

(4) References to a relevant register and the keeper of the register must be construed in accordance with Article 43(7)^(b) of the 2007 Order.

Supervisory authorities: duty to provide information to the Scottish Ministers on request

16.—(1) This article applies if the Scottish Ministers are considering—

- (a) whether to include any person in a list kept under section 1(1) of the 2007 Act;
- (b) whether to remove any person from such a list.

(2) The Scottish Ministers may require a supervisory authority within the meaning of Article 47(7)^(c) of the 2007 Order to provide them with any information prescribed for the purposes of Article 48 of that Order which the supervisory authority holds relating to that person.

(3) The supervisory authority must comply with a requirement under paragraph (2).

PART 5

Provision of information to the Scottish Ministers by the Secretary of State

Secretary of State: provision of information to the Scottish Ministers

17.—(1) The Secretary of State may provide the Scottish Ministers with the information described in paragraph (2) to enable them to exercise their functions under section 64 of the 2007 Act (power to use personal data to check applicant’s identity).

(2) The information is such information as the Secretary of State thinks is appropriate from data held by—

- (a) the Identity and Passport Service;
- (b) the UK Border Agency;
- (c) the Secretary of State in connection with keeping records of national insurance numbers.

(a) The definition of “HSC body” was substituted by S.R. 2009 No. 305.

(b) Article 43(7) of the 2007 Order was amended by Article 22(b) of the Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010 No. 30).

(c) Article 47(7) of the 2007 Order was amended by S.R. 2009 No. 305 (regulation 7(5)) and S.R. 2010 No. 30 (regulation 15(2)).

PART 6

Provision of information to the Independent Safeguarding Authority

Provision of police information to the Independent Safeguarding Authority

18.—(1) This article applies to—

- (a) the chief constable of a police force in Scotland; and
- (b) the Scottish Crime and Drug Enforcement Agency.

(2) For the purposes of enabling or assisting the Independent Safeguarding Authority to determine whether to include an individual in, or remove an individual from—

- (a) the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act; or
- (b) the children’s barred list or adults’ barred list maintained under Article 6 of the 2007 Order,

the ISA may require a person to whom this article applies to provide it with any information relating to an individual which the person thinks might be relevant in relation to the type of regulated activity (within the meaning of the 2006 Act or the 2007 Order) in relation to which a request under this paragraph is made.

(3) The ISA must pay such fee as Scottish Ministers think appropriate to a person who provides information under paragraph (2).

(4) A person must not provide information to the ISA under paragraph (2) if the person thinks that disclosing it to the individual to whom it relates would be contrary to the interests of the prevention or detection of crime.

Provision of information held by public bodies etc. to the Independent Safeguarding Authority

19.—(1) The Independent Safeguarding Authority may require a person who holds vetting information of a type prescribed under section 49(1)(d) of the 2007 Act to provide it with any such vetting information relating to an individual.

(2) Paragraph (3) applies to each of the persons set out in section 19(3) of the 2007 Act.

(3) For the purposes of enabling or assisting the ISA to determine whether to include an individual in, or remove an individual from—

- (a) the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act; or
- (b) the children’s barred list or adults’ barred list maintained under Article 6 of the 2007 Order,

the ISA may require a person to whom this paragraph applies to provide it with any information held by the person which the ISA thinks might be relevant.

(4) Information provided under paragraph (3) may, in particular, be information which relates to—

- (a) the regulated work (within the meaning of the 2007 Act) or the regulated activity (within the meaning of the 2006 Act or the 2007 Order) in relation to which the request is made under paragraph 3; or
- (b) the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular.

Provision of information held by regulated work providers to Independent Safeguarding Authority

20.—(1) For the purposes of enabling or assisting the Independent Safeguarding Authority to determine whether to include an individual in, or remove an individual from—

- (a) the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act; or
- (b) the children’s barred list or adults’ barred list maintained under Article 6 of the 2007 Order,

the ISA may require a person falling within section 20(2) of the 2007 Act to provide it with any information held by the person which the ISA thinks may be relevant.

(2) A person who fails, without reasonable excuse, to comply with paragraph (1) is guilty of an offence and liable, on summary conviction, to a fine not exceeding the amount specified as level 5 on the standard scale.

PART 7

Miscellaneous Provisions

Consideration of suitability

21. References in Part 2 of the 2007 Act to a person (“A”) considering an individual’s suitability to do, or to be offered or supplied for, any type of regulated work include a reference to A considering the individual’s suitability to be registered or licensed under Part V (driving instruction) of the Road Traffic Act 1988(a).

22. References in Part 2 of the 2007 Act to a person (“A”) considering an individual’s suitability to do, or to be offered or supplied for, any type of regulated work include a reference to A considering the individual’s suitability to be registered in the register established and maintained under article 19 of the Pharmacy Order 2010(b).

Amendment of the General Pharmaceutical Council (Registration Rules) Order of Council 2010

23.—(1) The General Pharmaceutical Council (Registration Rules) Order of Council 2010(c) is amended as follows.

(2) In rule 10 (entry in the Register) of the Schedule—

- (a) in paragraph (5)—
 - (i) in sub-paragraph (a), omit “or the Scottish Ministers”;
 - (ii) at the end of sub-paragraph (e), omit “and”;
 - (iii) at the end of sub-paragraph (f) insert—
“; and
- (g) a disclosure request and any existing disclosure record”; and

(a) 1988 c.52.
(b) S.I. 2010/231.
(c) S.I. 2010/1617.

(b) after paragraph (12), substitute—

“(12) For the purposes of this rule—

“attesting State” means the relevant European State in which a person applying for entry in Part 1 or Part 2 of the Register obtained their qualification as a pharmacist or, as the case may be, a pharmacy technician and, if different, the relevant European State from which that person comes to Great Britain; and

“disclosure record” and “disclosure request” have the meaning given by section 97(1) (general interpretation) of the Protection of Vulnerable Groups (Scotland) Act 2007.”.

DAVID MUNDELL
Parliamentary Under Secretary of State for Scotland
Scotland Office

Dover House,
London
2nd November 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 104 of the Scotland Act 1998 and makes provision in consequence of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) (“the 2007 Act”).

The 2007 Act establishes a Scheme (under section 44) for vetting and disclosure in relation to individuals who wish to do regulated work with children or adults (referred to as the “PVG Scheme”). The 2007 Act also provides that Scottish Ministers must keep a children’s list and an adults’ list (section 1(1)). An individual may be listed in one or both of those lists (section 1(2)). A listed person is barred from undertaking regulated work with children (if listed in the children’s list) or adults (if listed in the adults’ list). “Regulated work” is defined at section 91 of, and schedules 2 and 3 to, the 2007 Act.

The Safeguarding Vulnerable Groups Act 2006 (c.46) (“the 2006 Act”) and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (SI 2007/1351 (N.I. 11)) (“the 2007 Order”) establish a similar vetting and barring scheme (“the VBS”) for England, Wales and Northern Ireland. The 2006 Act establishes the Independent Safeguarding Authority (“the ISA”) which makes decisions to bar individuals from working with children or vulnerable adults for England and Wales and Northern Ireland. It also establishes the SVG children’s barred list and SVG adults’ barred list for England and Wales. The 2007 Order establishes the SVG NI children’s barred list and SVG NI adults’ barred list for Northern Ireland.

The purpose of this Order is to make provision to ensure the proper operation and cross-border interaction of the 2007 Act, the 2006 Act and the 2007 Order.

Part 2 of the Order deals with the provision of information to Scottish Ministers by police bodies. Article 3 enables the Scottish Ministers, for the purposes of their functions under Parts 1 and 2 of the 2007 Act, to require relevant information from police forces in England and Wales, the Police Service of Northern Ireland (“the PSNI”) as well as from the Royal Navy Police, the Royal Military Police, the Royal Air Force Police, the Ministry of Defence Police, the British Transport Police, the Civil Nuclear Constabulary, the Serious Organised Crime Agency and the Child Exploitation and Online Protection Centre. Under article 3, Scottish Ministers can also ask for such information from the States of Jersey Police Force, the salaried police force of the Island of Guernsey, the Isle of Man Constabulary and the Garda Síochána. Provision is also made to require the Scottish Ministers to pay an appropriate fee for information obtained from these relevant police forces.

Articles 4 and 5 enable the Scottish Ministers to obtain information for the purposes of their functions under Parts 1 and 2 of the 2007 Act from persons holding records of convictions, cautions or other information for the use of police forces generally and from persons holding records of fingerprints for the use of the police forces generally.

Part 3 of the Order deals with the provision of information to the Scottish Ministers by bodies subject to the 2006 Act. Article 6 enables the Scottish Ministers to obtain prescribed information from regulated activity providers, responsible persons and personnel suppliers (within the meaning of the 2006 Act). The prescribed information is set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Information) Regulations 2008 S.I. 2008/3265 (“the 2008 Regulations”). Article 7 provides that failure to comply with a requirement under article 6 to provide information without reasonable excuse is an offence.

Articles 8, 9 and 10 enable the Scottish Ministers to obtain prescribed information from local authorities, and from keepers of relevant registers and supervisory authorities (within the meaning of the 2006 Act). The prescribed information is set out in the 2008 Regulations.

Part 4 of the Order deals with the provision of information to Scottish Ministers by bodies subject to the 2007 Order. Article 11 amends the 2007 Order, by inserting a provision enabling the Independent Safeguarding Authority to provide the Scottish Ministers with information relevant to their functions under Parts 1 and 2 of the 2007 Act.

Article 12 enables the Scottish Ministers to obtain prescribed information from regulated activity providers, responsible persons and personnel suppliers (within the meaning of the 2007 Order). The prescribed information is set out in the Safeguarding Vulnerable Groups (Prescribed Information) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 40) (“the 2009 Regulations”). Article 13 provides that failure to comply with a requirement under Article 12 to provide information without reasonable excuse is an offence.

Articles 14, 15 and 16 enable the Scottish Ministers to obtain prescribed information from education and library boards and HSC bodies, and from keepers of relevant registers and supervisory authorities (within the meaning of the 2007 Order). The prescribed information is set out in the 2009 Regulations.

Part 5 of the Order deals with the provision of information to Scottish Ministers by the Secretary of State. Article 17 provides that the Secretary of State may provide the Scottish Ministers with information to enable them to verify the identity of an applicant to scheme under the 2007 Act. The information is such information as the Secretary of State thinks appropriate from data held by the Identity and Passport Service, by the UK Border Agency and by the Secretary of State in connection with keeping records of national insurance numbers.

Part 6 of the Order deals with the provision of information to the ISA. Articles 18 to 20 provide the ISA with powers to require information from the police, from certain public bodies and from regulated work providers in Scotland for the purposes of enabling or assisting it to determine whether to include an individual in, or remove an individual from, the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act or the children’s barred list or adults’ barred list maintained under Article 6 of the 2007 Order.

Part 7 of the Order deals with miscellaneous provision. Article 21 provides that references in Part 2 of the 2007 Act to a person considering an individual’s suitability to do, or to be offered or supplied for, any type of regulated work include a reference to that person considering an individual’s suitability to be registered or licensed under Part V (driving instruction) of the Road Traffic Act 1988. Article 22 provides that references in Part 2 of the 2007 Act to a person considering an individual’s suitability to do, or to be offered or supplied for, any type of regulated work include a reference to that person considering an individual’s suitability to be registered in the register established and maintained under article 19 of the Pharmacy Order 2010 (S.I. 2010/231). Article 23 amends the General Pharmaceutical Council (Registration Rules) Order of Council 2010 (S.I. 2010/1671) to allow the General Pharmaceutical Council to obtain disclosure records under the 2007 Act for the purposes of applications for entry in the Register kept by the General Pharmaceutical Council.

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