

These notes relate to the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) which received Royal Assent on 18 April 2007

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

REFERENCES AND INTERPRETATIONS

3. Throughout the Notes, certain expressions are used either as convenient abbreviations or as having the particular meaning given to them by section 97 of the Act, or in other sections in relation to particular Parts or sections of the Act. The most important of these expressions are as follows:
- (a) “the Act” means the Protection of Vulnerable Groups (Scotland) Act 2007;
 - (b) “adults’ list” means the list of those individuals barred from regulated work with protected adults;
 - (c) “ASP Act” means the Adult Support and Protection (Scotland) Act 2007;
 - (d) “child” means any person under the age of 18;
 - (e) “children’s list” means the list of those individuals barred from regulated work with children;
 - (f) “Central Barring Unit” means the unit with responsibility for determining, on behalf of the Scottish Ministers, whether an individual should be included on the adults’ list and/or children’s list and for maintaining those lists;
 - (g) “Criminal Procedure Act” means the Criminal Procedure (Scotland) Act 1995;
 - (h) “disclosure of scheme membership” is a document which confirms an individual’s scheme membership in respect of one or both types of regulated work and whether the individual is under consideration for listing (set out at section 54);
 - (i) “Disclosure Scotland” is the organisation which, from 2002, has provided basic, standard and enhanced disclosures under the Police Act (see also Vetting and Disclosure Unit);
 - (j) “DWCL” means the Disqualified from Working with Children List as established by PoCSA;
 - (k) “ECHR” means the European Convention on Human Rights and references to Articles are to Articles of ECHR;
 - (l) “IBB” means the Independent Barring Board established by the SVG Act, administratively known as the Independent Safeguarding Authority;
 - (m) “PoCSA” means the Protection of Children (Scotland) Act 2003;
 - (n) “Police Act” means the Police Act 1997;
 - (o) “protected adult” means any person who has attained the age of 16 or over and who is in receipt of any of the services set out at section 94;

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- (p) “regulated work” means work with children or adults of the type described in schedules 2 and 3, respectively. Work itself is defined at section 95;
- (q) “ROA” means the Rehabilitation of Offenders Act 1974;
- (r) “ROCA” means the Regulation of Care (Scotland) Act 2001;
- (s) “scheme member” means an individual who has successfully applied for scheme membership in respect of one or both of the children’s or adults’ workforces;
- (t) “scheme record” means the record including the scheme member’s statement of scheme membership and all vetting information (set out at section 48) held by the Scottish Ministers;
- (u) “scheme record disclosure” is a document which includes the scheme member’s statement of scheme membership and all vetting information disclosed to the individual and employing organisation (set out at section 52);
- (v) “Scotland Act” means the Scotland Act 1998;
- (w) “short scheme record disclosure” is a document which includes the scheme member’s statement of scheme membership, specifies the date of last disclosure of the scheme record, and indicates whether there is any new vetting information on that record since the last disclosure of it (set out at section 53);
- (x) “statement of scheme membership” is a document which confirms an individual’s scheme membership (and consequently that the individual is not barred) in respect of one or both types of regulated work and whether the individual is under consideration for listing (set out at section 46);
- (y) “SVG Act” means the Safeguarding Vulnerable Groups Act 2006; and
- (z) “Vetting and Disclosure Unit” means the unit responsible for undertaking vetting and disclosure checks under the Police Act and this Act on behalf of the Scottish Ministers.