

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Part 6: Interpretation

Section 92. Meaning of references to being barred from regulated work

159. There is a difference between being listed and being barred. Being listed means being included in the children's or adults' list. Being barred from regulated work in Scotland is a consequence of being listed, included in certain other lists in the UK or subject to a prohibition or disqualification in any other jurisdiction which the Scottish Ministers deem to correspond to being listed.
160. Subsections (1) and (2) mean that being included in the equivalent list in England and Wales or Northern Ireland, will result in being barred from regulated work with children and adults, respectively, in Scotland. Subsections (3) and (4) give the Scottish Ministers an order-making power to regard any other list abroad as being equivalent to a Scottish list and therefore leading to being barred from regulated work in Scotland. Subsections (5) and (6) make allowance for developments in England and Wales or Northern Ireland and enable the lists in subsections (1) and (2) to be updated accordingly.
161. The effect of section 92 is that a teacher working in England who is referred to the IBB (established under the SVG Act) and included on their children's barred list would be *listed* in England and Wales and *barred* from regulated work with children in Scotland and equivalent work across the UK. Although barred, the individual will not be *listed* in Scotland; it is expected that the IBB will retain that information and provide it to Scottish police forces and the Vetting and Disclosure Unit as necessary.