



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 2 **S**

VETTING AND DISCLOSURE

Removal from scheme

61 Retention of scheme records after removal **S**

- (1) Ministers may keep the scheme record of an individual removed from the Scheme and may continue to use that record for the purposes of enabling or assisting them to perform their functions under this Act.
- (2) Subsection (1) does not—
- (a) entitle Ministers to continue to make enquires in relation to the individual in pursuance of section 47(2), or
 - (b) require Ministers to otherwise ensure that the retained scheme record is updated.
- [^{F1}(3) Where Ministers decide under section 59A(1) not to continue to consider whether to list an individual, Ministers may keep any information received by them when considering whether to list the individual for the purposes of enabling or assisting them to perform their functions under this Act.]

Textual Amendments

- F1** S. 61(3) inserted (10.12.2021) by [Disclosure \(Scotland\) Act 2020 \(asp 13\)](#), ss. 87, 97 (with s. 96); S.S.I. 2021/380, reg. 2, sch.

Modifications etc. (not altering text)

- C1** Pt. 2 modified (28.2.2011) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2660\)](#), arts. 1, 22
- C2** Pt. 2 modified (28.2.2011) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2660\)](#), arts. 1, 21

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Section 61 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

II S. 61 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

Changes to legislation:

Protection of Vulnerable Groups (Scotland) Act 2007, Section 61 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6A inserted by [2020 asp 13 s. 80\(2\)](#)
- s. 8(3)(za) inserted by [2020 asp 13 s. 82\(3\)](#)
- s. 10(1)(aa) inserted by [2020 asp 13 s. 80\(3\)](#)
- s. 13A-13C inserted by [2020 asp 13 s. 76\(2\)](#)
- s. 18(5) inserted by [2020 asp 13 sch. 5 para. 5\(2\)\(b\)](#)
- s. 30(3A)-(3C) inserted by [2020 asp 13 s. 77\(3\)](#)
- s. 45A inserted by [2020 asp 13 s. 71](#)
- s. 45B inserted by [2020 asp 13 s. 72](#)
- s. 45C-45G inserted by [2020 asp 13 s. 73\(2\)](#)
- s. 45H inserted by [2020 asp 13 s. 88\(3\)](#)
- s. 46A inserted by [2020 asp 13 s. 79](#)
- s. 49(3) inserted by [2020 asp 13 sch. 5 para. 5\(3\)\(c\)](#)
- s. 70(2)(d) inserted by [2020 asp 13 sch. 5 para. 10\(41\)\(b\)](#)
- s. 77(1A) inserted by [2020 asp 13 sch. 5 para. 10\(46\)\(b\)](#)
- s. 94(2A)(2B) inserted by [2020 asp 13 s. 75\(3\)](#)
- sch. 2 para. 31(1) words repealed by [2024 asp 5 Sch. para. 25\(2\)\(a\)\(i\)](#)
- sch. 2 para. 31 words substituted by [2024 asp 5 Sch. para. 19\(2\)](#)
- sch. 2 para. 31 words substituted by [2024 asp 5 Sch. para. 25\(2\)\(b\)](#)
- sch. 3 para. 24 words substituted by [2024 asp 5 Sch. para. 19\(3\)](#)