



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 1

THE LISTS

Consideration whether to list

10 Consideration whether to list: organisational referrals etc.

- (1) This section applies
 - (a) [^{F1}where—]
 - [^{F2}(i)] prescribed information relating to an individual has been given to Ministers in pursuance of sections 3 to 6 or 8, and
 - [^{F2}(ii)] they are satisfied that the information was not given for vexatious or frivolous purposes [^{F3}, or
 - (b) where information relating to an individual has been given to Ministers by the [^{F4}Disclosure and Barring Service]].
- (2) Where Ministers are satisfied that the information indicates that it may be appropriate for the individual to be included in the children's list, they must consider listing the individual in that list.
- (3) Where Ministers are satisfied that the information indicates that it may be appropriate for the individual to be included in the adults' list, they must consider listing the individual in that list.
- (4) For the avoidance of doubt, subsections (2) and (3) apply in relation to an individual regardless of the type of regulated work [^{F5}(if any)] which the individual is or has been doing.

Textual Amendments

- F1** Words in s. 10(1)(a) renumbered as s. 10(1)(a) (18.4.2010 for specified purposes, coming into force in accordance with art. 1(2)), arts. 1(2), 4(2)(a)

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Consideration whether to list is up to date with all changes known to be in force on or before 15 July 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

- F2** S. 10(1)(a)(b) renumbered as s. 10(1)(a)(i)(ii) (18.4.2010 for specified purposes, coming into force in accordance with art. 1(2)) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Miscellaneous Provisions\) Order 2010 \(S.S.I. 2010/446\)](#), arts. 1(2), **4(2)(a)**
- F3** S. 10(1)(b) and word inserted (18.4.2010 for specified purposes, coming into force in accordance with art. 1(2)) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Miscellaneous Provisions\) Order 2010 \(S.S.I. 2010/446\)](#), arts. 1(2), **4(2)(b)**
- F4** Words in s. 10(1)(b) substituted (10.12.2021) by [Disclosure \(Scotland\) Act 2020 \(asp 13\)](#), s. 97, **sch. 5 para. 12(2)** (with s. 96); S.S.I. 2021/380, reg. 2, sch.
- F5** Words in s. 10(4) inserted (18.4.2010 for specified purposes, coming into force in accordance with art. 1(2)) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Miscellaneous Provisions\) Order 2010 \(S.S.I. 2010/446\)](#), arts. 1(2), **4(3)**

Commencement Information

- I1** S. 10 in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(a)**

11 Consideration whether to list: court referrals

- (1) This section applies where prescribed information relating to an individual has been given to Ministers in pursuance of section 7.
- (2) Where the individual has been convicted of a relevant offence, Ministers must consider listing the individual in the children's list.
- (3) In any other case, Ministers must consider listing the individual in the children's list where they are satisfied that—
 - (a) the information indicates that it may be appropriate for the individual to be included in that list, and
 - (b) the individual does, has done or is likely to do regulated work with children.
- (4) Ministers must consider listing the individual in the adults' list where they are satisfied that—
 - (a) the information indicates that it may be appropriate for the individual to be included in that list, and
 - (b) the individual does, has done or is likely to do regulated work with adults.

Commencement Information

- I2** S. 11 in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(a)**

12 Consideration whether to list: vetting information etc.

- (1) Ministers must consider listing an individual in the children's list if they are satisfied that—
 - (a) either—
 - (i) vetting information about the individual, or
 - (ii) information received when considering whether to list the individual in the adults' list,
 indicates that it may be appropriate for the individual to be included in the children's list, and
 - (b) the individual does, has done or is likely to do regulated work with children.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Consideration whether to list is up to date with all changes known to be in force on or before 15 July 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](#)

- (2) Ministers must consider listing an individual in the adults' list if they are satisfied that—
- (a) either—
- (i) vetting information about the individual, or
- (ii) information received when considering whether to list the individual in the children's list,
- indicates that it may be appropriate for the individual to be included in the adults' list, and
- (b) the individual does, has done or is likely to do regulated work with adults.

Commencement Information

I3 [S. 12](#) in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

13 Consideration whether to list: inquiries

- (1) This section applies where—
- (a) a relevant inquiry report names an individual who is or has been doing regulated work, and
- (b) it appears to Ministers from the report that the person who held the inquiry found that the referral ground was met at a time when the individual was doing regulated work (whether that time was before or after this section comes into force).
- (2) Where it appears to Ministers from the report that it may be appropriate for the individual to be included in the children's list, they may consider listing the individual in the children's list.
- (3) Where it appears to Ministers from the report that it may be appropriate for the individual to be included in the adults' list, they may consider listing the individual in the adults' list.
- (4) For the avoidance of doubt, subsections (2) and (3) apply in relation to an individual regardless of the type of regulated work which the individual was doing.

Modifications etc. (not altering text)

C1 [S. 13](#) extended (28.2.2011) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Savings and Transitional Provisions\) Order 2010 \(S.S.I. 2010/180\)](#), [arts. 1, 5](#)

Commencement Information

I4 [S. 13](#) 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, Cross Heading: Consideration whether to list is up to date with all changes known to be in force on or before 15 July 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.

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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\(3\)](#)