



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 2

VETTING AND DISCLOSURE

Vetting information

47 Enquiries about scheme members

- (1) Ministers must, after making enquiries for the purpose of discovering whether any vetting information exists in relation to a new scheme member, create a scheme record for the member.
- (2) Ministers must make arrangements for the purpose of discovering whether any new vetting information arises in relation to scheme members while those members participate in the Scheme.
- (3) Ministers must update a scheme record if they discover any new vetting information about the scheme member to whom it relates.
- (4) Vetting information is new if Ministers did not discover it as a result of earlier enquiries made in pursuance of subsection (1) or (2) in relation to the scheme member concerned (regardless of whether it existed when they made those earlier enquiries).

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**

Commencement Information

- I1** S. 47 in force at 28.2.2011 by [S.S.I. 2011/157](#), art. **2(a)**

Status: Point in time view as at 30/11/2020.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Vetting information is up to date with all changes known to be in force on or before 22 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)

48 Scheme record

A scheme record is a document comprising—

- (a) a scheme member's statement of scheme membership, and
- (b) vetting information about the scheme member which Ministers discover as a result of enquiries or arrangements made under section 47.

Commencement Information

I2 S. 48 in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(a)**

49 Vetting information

(1) Vetting information, in relation to a scheme member, is—

- (a) the information referred to in section 113A(3)(a) of the 1997 Act (prescribed details of every relevant matter relating to the scheme member which is recorded in central records),
- (b) if the scheme member is subject to notification requirements under Part 2 of the Sexual Offences Act 2003 (c. 42), information about those requirements,
- [^{F1}(c) information which—
 - (i) the chief officer of a relevant police force reasonably believes to be relevant in relation to the type of regulated work in relation to which the scheme member participates in the Scheme, and
 - (ii) in the chief officer's opinion, ought to be included in the scheme member's scheme record, and]
- (d) such other information as may be prescribed.

[^{F2}(1A) For the avoidance of doubt, information such as is mentioned in subsection (1)(c) may include information with respect to relevant behaviour (within the meaning of section 5(1)(a) of the Age of Criminal Responsibility (Scotland) Act 2019).]

(2) Regulations prescribing information for the purposes of subsection (1)(d) may require persons holding information of the type prescribed to disclose it to Ministers for the purposes of this Act.

Textual Amendments

F1 S. 49(1)(c) substituted (10.9.2015) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial Order 2015 \(S.S.I. 2015/330\)](#), arts. 1(2), **4(3)** (with arts. 5-10) which S.S.I. is revoked ands. 49(1)(c) substituted (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **4(3)** (with arts. 5-10)

F2 S. 49(1A) inserted (30.11.2020) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), **ss. 10(3), 84(2)**; [S.S.I. 2020/369](#), reg. 2, sch.

Commencement Information

I3 S. 49(1)(a)-(c) (2) in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(a)**

I4 S. 49(1)(d) in force at 18.4.2010 for specified purposes by [S.S.I. 2010/133](#), **art. 2, Sch.**

I5 S. 49(1)(d) in force at 28.2.2011 in so far as not already in force by [S.S.I. 2011/157](#), **art. 2(a)**

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50 Duty to notify certain changes

- (1) A scheme member must give Ministers notice of—
 - (a) a change in the member's name,
 - (b) the issue of a full gender recognition certificate to the member under section 4 of the Gender Recognition Act 2004 (c. 7), or
 - (c) any other change in circumstance of a prescribed type.
- (2) A notice under subsection (1) must be given within 3 months of the date of the change or issue of the certificate to which it relates.
- (3) An individual who fails, without reasonable excuse, to comply with subsection (1) commits an offence.
- (4) An individual guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information

I6 S. 50 in force at 28.2.2011 by [S.S.I. 2011/157](#), art. 2(a)

51 Correction of inaccurate scheme record

- (1) Ministers must correct a scheme record if they are satisfied (following a request by a scheme member for correction, notification under section 50 or otherwise) that any information included in it is inaccurate.
 - (2) After correcting an inaccurate scheme record, Ministers must disclose the corrected information to—
 - (a) the scheme member, and
 - (b) any organisation for which they know the scheme member is doing regulated work.
 - (3) Subsection (2) applies only if Ministers have previously disclosed the inaccurate information under this Part to the scheme member or, as the case may be, the organisation.
 - (4) [^{F3}Subject to subsection (4A),] a scheme member may, in particular, request a review of any information included in a scheme record by virtue of section 49(1)(c).
- [^{F4}(4A) But a scheme member may not request a review of information included in a scheme record by virtue of section 49(1)(c) which was or could have been the subject of an appeal under section 20 of the Age of Criminal Responsibility (Scotland) Act 2019.]
- [^{F5}(5) Ministers, on receiving [^{F6}a request mentioned in subsection (4)], must ask the chief officer of the relevant police force who provided that information to reconsider whether—
 - (a) the chief officer still reasonably believes that information to be relevant in relation to the type of regulated work in relation to which the scheme member participates in the Scheme, and
 - (b) in the chief officer's opinion, that information still ought to be included in the scheme member's scheme record.]

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- (6) Information which was considered accurate when included in a scheme record but which—
- (a) is subsequently found to have always been inaccurate, or
 - (b) subsequently becomes inaccurate for any reason,
- is to be regarded as being inaccurate information for the purposes of this section.

[^{F7}(7) This section does not apply to vetting information included in a scheme record which could be the subject of an application under section 52A(2).]

Textual Amendments

- F3** Words in s. 51(4) inserted (30.11.2020) by Age of Criminal Responsibility (Scotland) Act 2019 (asp 7), ss. 25(4)(a), 84(2); S.S.I. 2020/369, reg. 2, sch.
- F4** S. 51(4A) inserted (30.11.2020) by Age of Criminal Responsibility (Scotland) Act 2019 (asp 7), ss. 25(4)(b), 84(2); S.S.I. 2020/369, reg. 2, sch.
- F5** S. 51(5) substituted (8.2.2016) by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 (S.S.I. 2015/423), arts. 1(2), 4(4)(a) (with arts. 5-10)
- F6** Words in s. 51(5) substituted (30.11.2020) by Age of Criminal Responsibility (Scotland) Act 2019 (asp 7), ss. 25(4)(c), 84(2); S.S.I. 2020/369, reg. 2, sch.
- F7** S. 51(7) inserted (10.9.2015) by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015 (S.S.I. 2015/330), arts. 1(2), 4(4)(b) (with arts. 5-10) which S.S.I. is revoked and s. 51(7) inserted (8.2.2016) by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 (S.S.I. 2015/423), arts. 1(2), 4(4)(b) (with arts. 5-10)

Commencement Information

- I7** S. 51 in force at 28.2.2011 by S.S.I. 2011/157, art. 2(a)

[^{F8}52ZA Procedure following correction of inaccurate scheme record

- (1) This section applies where—
- (a) on receiving a copy of a scheme record under section 52(3)(b) or (5), a scheme member requests that Ministers correct information included in the record,
 - (b) Ministers correct the information, and
 - (c) as a result of the correction, the scheme record includes vetting information about a conviction [^{F9}which falls within subsection (4)] .
- (2) Section 51(2) does not apply in relation to the corrected information.
- (3) Ministers must treat the request for disclosure to which the copy of the scheme record relates as if—
- (a) it has not yet been complied with, and
 - (b) it had been made on the day on which the information is corrected.]

[^{F10}(4) A conviction falls within this subsection if it is—

- (a) a conviction for an offence listed in schedule 8A of the 1997 Act which is a spent conviction and either—
 - (i) the person was aged under 18 on the date of conviction and at least 7 years and 6 months have passed since the date of conviction, or

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- (ii) the person was aged 18 or over on the date of conviction and at least 15 years have passed since the date of conviction,
- (b) a conviction for an offence listed in schedule 8B of the 1997 Act which is—
 - (i) a spent conviction, but
 - (ii) not a protected conviction.]

Textual Amendments

- F8** S. 52ZA inserted (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **4(5)** (with arts. 5-10)
- F9** Words in s. 52ZA(1)(c) substituted (17.2.2018) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial Order 2018 \(S.S.I. 2018/52\)](#), arts. 1(2), **4(2)(a)**
- F10** S. 52ZA(4) inserted (17.2.2018) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial Order 2018 \(S.S.I. 2018/52\)](#), arts. 1(2), **4(2)(b)** (with art. 8)

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