

Status: This version of this provision is prospective.

Changes to legislation: Disclosure (Scotland) Act 2020, Section 75 is up to date with all changes known to be in force on or before 20 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



Disclosure (Scotland) Act 2020

2020 asp 13

PART 2

PROTECTION OF VULNERABLE GROUPS

Regulated roles

PROSPECTIVE

75 Meaning of “protected adult”

- (1) Section 94 (meaning of “protected adult”) of the PVG Act is amended as follows.
- (2) In subsection (1) for the words from “an individual” to the end of that subsection substitute “—
 - (a) an individual aged 18 or over who, by reason of physical or mental disability, illness, infirmity or ageing—
 - (i) has an impaired ability to protect themselves from physical or psychological harm, or
 - (ii) requires assistance with the activities of daily living,
 - (b) in relation to a regulated role with adults that involves the carrying out of activities mentioned in paragraph 17 of Part 2 of schedule 3, an individual aged 18 or over who—
 - (i) is homeless (within the meaning of section 24 of the Housing (Scotland) Act 1987), or
 - (ii) has experienced, is experiencing or is at risk of experiencing domestic abuse,
 - (c) in relation to a regulated role with adults that involves the carrying out of activities mentioned in one or more of paragraphs 6 to 12 of Part 2 of schedule 3 (health care), an individual aged 18 or over who is being provided with a prescribed health service, or
 - (d) in relation to a regulated role with adults that involves the carrying out of such of the activities mentioned in Part 2 of schedule 3 as may

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be prescribed, an individual aged 18 or over who is being provided with—

- (i) a prescribed support service,
- (ii) a prescribed adult placement service,
- (iii) a prescribed care home service,
- (iv) a prescribed housing support service,
- (v) a prescribed community care service, or
- (vi) a prescribed welfare service.”.

(3) After subsection (2) insert—

“(2A) In subsection (1)(b)(ii), “domestic abuse” means behaviour (whether or not amounting to a criminal offence) that—

- (a) is perpetrated between partners or ex-partners, whether in the home or elsewhere or by means of electronic or other forms of communications, and
- (b) involves any form of physical, verbal, sexual, psychological, emotional or financial abuse of one of the partners or ex-partners by the other.

(2B) For the purposes of subsection (2A), a person is a partner of another person if they are—

- (a) married to each other,
- (b) civil partners of each other,
- (c) living with each other as if they were married to each other, or
- (d) otherwise in an intimate relationship with each other,

and the references to ex-partners are to be construed accordingly.”.

(4) In subsection (3)—

- (a) in paragraph (a), for “paragraph (a) of subsection (1)” substitute “ sub-paragraphs (i) to (iv) of subsection (1)(d) ”,
- (b) paragraphs (b) and (c) are repealed.

(5) In subsection (4)—

- (a) after “In” insert “ sub-paragraph (v) of ”,
- (b) the definition of “direct payment” is repealed.

(6) In subsection (5), for “subsection (1)(d)” substitute “ sub-paragraph (vi) of subsection (1)(d) ”.

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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):

- sch. 3 para. 31(1) words repealed by [2024 asp 5 Sch. para. 25\(2\)\(a\)\(i\)](#)
- sch. 3 para. 20 words repealed by [2024 asp 5 Sch. para. 25\(2\)\(a\)\(ii\)](#)
- sch. 3 para. 21 words repealed by [2024 asp 5 Sch. para. 25\(2\)\(a\)\(iii\)](#)
- sch. 3 para. 31 words substituted by [2024 asp 5 Sch. para. 25\(2\)\(b\)](#)