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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2010 No.**

**PROTECTION OF VULNERABLE ADULTS**

**The Protection of Vulnerable Groups (Scotland) Act 2007  
(Modification of Regulated Work with Adults) Order 2010**

*Made* - - - - *2010*

*Coming into force in accordance with article 1*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 100(2) of, and paragraph 13 of schedule 3 to, the Protection of Vulnerable Groups (Scotland) Act 2007<sup>(a)</sup> and all other powers enabling them to do so.

In accordance with section 100(4) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and interpretation**

1. This Order may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Adults) Order 2010 and comes into force on the same day as section 91 of the Protection of Vulnerable Groups (Scotland) Act 2007.

2. In this Order “the Act” means the Protection of Vulnerable Groups (Scotland) Act 2007.

**Modification of regulated work**

3. In Part 1 of schedule 3 (regulated work with adults) to the Act—

(a) for paragraph 1(b), substitute—

“(b) a position—

- (i) which is not a position mentioned in sub-paragraph (a),
- (ii) whose normal duties include work in an establishment mentioned in Part 3,
- (iii) which gives the holder of the position, when doing anything permitted or required in connection with the position, the opportunity to have unsupervised contact with protected adults, and
- (iv) where contact with protected adults, when the holder of the position is doing anything permitted or required in connection with the position, is more than incidental;” and

(b) at the end of paragraph 1, insert—

“Unsupervised contact with protected adults” means contact with protected adults in the absence of an individual doing regulated work within the establishment where the contact takes place.”.

**Modification of activities**

4. In Part 2 (activities) of schedule 3 to the Act, omit paragraph 6.

**Modification of the position of charity trustee**

5. In Part 4 (positions) of schedule 3 to the Act, for paragraph 12 substitute—

“Charity trustee of a charity whose—

- (a) main purpose is to provide benefits for protected adults, and
- (b) principal means of delivery of those benefits is by its workers doing regulated work with adults.

An individual works for a charity if the individual works under any arrangements made by the charity.”.

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
Date

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 91 of the Protection of Vulnerable Groups (Scotland) Act 2007 defines regulated work with protected adults as work of the type described in schedule 3 to the Act. Schedule 3 describes regulated work in terms of activities (Part 2), establishments (Part 3) and positions (Part 4). This Order modifies schedule 3 in relation to regulated work in an establishment, in relation to activities constituting regulated work and in relation to regulated work by virtue of the position of charity trustee.

Article 3 substitutes a new paragraph 1(b) into Part 1 of schedule 3 to provide that regulated work with adults is work in a position which is not a position mentioned in sub-paragraph (a), whose normal duties include work in an establishment mentioned in Part 3, which gives the holder of the position, when doing anything permitted or required in connection with the position, the opportunity to have unsupervised contact with protected adults and where contact with protected adults, when the holder of the position is doing anything permitted or required in connection with the position, is more than incidental.

Article 4 modifies the activities, the performance of which constitute regulated work, by omitting the activity of the provision of care home services.

Article 5 modifies the definition of the position of charity trustee to someone who is trustee of a charity, where the charity's main purpose is to provide benefits for protected adults and where the principal means of delivery of those benefits is by its workers doing regulated work with adults.

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