
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 7(1) and (3) and 97(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 ([asp 14](#)) (“the Act”) and set out the prescribed information for the purposes of section 7(1) and (3) of the Act.

A court making a referral to the Scottish Ministers under section 7(1) must provide in that referral any of the prescribed information set out in the Schedule that it holds in relation to the convicted individual. A court making a referral to the Scottish Ministers under section 7(3) may provide in that referral any of the prescribed information set out in the Schedule that it holds in relation to the convicted individual. A court can only provide the prescribed information that it holds (section 7(1) and (3)) and is not obliged to make enquiries to ascertain any information prescribed under these Regulations.

Where an individual has been convicted of a relevant offence (defined in section 32 of the Act) and prescribed information has been given to the Scottish Ministers under section 7(1) of the Act, the Scottish Ministers must consider listing the individual in the children’s list (section 11(2) of the Act). Where prescribed information has been given to the Scottish Ministers in relation to convictions for other offences, the Scottish Ministers must consider listing the individual in the children’s list, or adults’ list, as the case may be, where the Scottish Ministers are satisfied that the information indicates that it may be appropriate for the individual to be included in the relevant list or lists and the individual does, has done or is likely to do regulated work with children or regulated work with adults (the terms “regulated work with children” and “regulated work with adults” are defined in section 91(2) and (3) of the Act). The procedure to be followed by the Scottish Ministers in conducting this consideration for listing is set out in the Protection of Vulnerable Groups (Scotland) Act 2007 (Consideration for Listing) Regulations 2010 ([S.S.I. 2010/183](#)).