

2020 No. 163

CHILDREN AND YOUNG PERSONS

PROTECTION OF VULNERABLE ADULTS

POLICE

**The Police Act 1997 and the Protection of Vulnerable Groups
(Scotland) Act 2007 (Fees) (Coronavirus) Regulations 2020**

<i>Made</i> - - - -	<i>27th May 2020</i>
<i>Laid before the Scottish Parliament</i>	<i>29th May 2020</i>
<i>Coming into force</i> - -	<i>26th June 2020</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 112(1)(b), 113A(1)(b), 113B(1)(b), 114(1)(b) and 116(1)(b) of the Police Act 1997^(a) and sections 70(1) and (2) of the Protection of Vulnerable Groups (Scotland) Act 2007^(b), and all other powers enabling them to do so.

In accordance with section 70(3) of the Protection of Vulnerable Groups (Scotland) Act 2007, the Scottish Ministers have had regard to the circumstances in which the fees are payable, and the desirability of maintaining an appropriate balance among the quality of the performance of their vetting, barring and disclosure functions, the cost of that performance and the fees paid to them in respect of that performance.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Regulations 2020 and come into force on 26 June 2020.

(2) These Regulations extend to Scotland only.

(a) 1997 c.50; section 112(1) was amended by the Protection of Vulnerable Groups (Scotland) Act 2007 (asp. 14) (“the 2007 Act”) and S.S.I. 2006/50; sections 113A and 113B were inserted by the Serious Organised Crime and Police Act 2005 (“the 2005 Act”) and relevantly amended by the 2007 Act; sections 114 and 116 were relevantly amended by S.S.I. 2006/50 and the 2007 Act. Section 125(1) of the Police Act 1997 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. Section 126(3), as inserted by section 116(2) of the 2005 Act, provides that in the application of Part 5 to Scotland, references to the Secretary of State must be construed as references to the Scottish Ministers.

(b) 2007 asp 14. Section 97(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

Interpretation

2. In these Regulations—

“the 1997 Act” means the Police Act 1997,

“the 2007 Act” means the Protection of Vulnerable Groups (Scotland) Act 2007,

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus),

“coronavirus work” means work of any kind, whether paid or unpaid, which involves the carrying out of any activities or functions in connection with the response to the incidence or transmission of coronavirus or the treatment of coronavirus disease,

“the Police Act Regulations” means the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(a),

“the PVG Fees Regulations” means the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010(b),

“qualifying sector” means any sector in which members of the workforce are engaged in one or more of the following areas of activity: health care (including dental care), pharmaceutical, prisons, justice, law and order, social care, social work, childcare, education, emergency services, critical national infrastructure, energy and water supply, defence, local and central government public services, environmental protection, animal health and welfare, funeral services, medicines and pharmaceutical supply, food supply and food processing, chemical supply, telecommunications, public transport, postal and delivery services, financial services, and food retail.

Waiver of fees for applications to join the PVG Scheme and disclosure requests in connection with coronavirus work

3. The fees prescribed in regulations 3 and 4 (prescribed fees) of the PVG Fees Regulations are waived in relation to any application to join the Scheme under section 45 (participation in scheme) of the 2007 Act, or any disclosure request, where the Scottish Ministers are satisfied that—

- (a) the application or disclosure request is in connection with regulated work which involves coronavirus work in a qualifying sector, and
- (b) the application or disclosure request is made solely in respect of that work.

Prescribed fees for applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates in connection with coronavirus work

4.—(1) Where paragraph (2) applies—

- (a) the fees prescribed in regulation 3 (criminal conviction certificates, criminal record certificates and enhanced criminal record certificates: prescribed fees and manner of payment) of the Police Act Regulations do not apply, and
- (b) the fee prescribed in relation to an application for the issue of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate is £0.

(2) This paragraph applies where the Scottish Ministers are satisfied that—

- (a) an application for a criminal conviction certificate, criminal record certificate or enhanced criminal record certificate under the 1997 Act is in connection with coronavirus work in a qualifying sector, and
- (b) the application is made solely in respect of that work.

(a) S.S.I. 2010/168, to which there are amendments not relevant to these Regulations.

(b) S.S.I. 2010/167, to which there are amendments not relevant to these Regulations.

Expiry

5.—(1) These Regulations cease to have effect at the end of the period of 6 months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they cease to have effect.

St Andrew's House,
Edinburgh
27th May 2020

MAREE TODD
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for free disclosure checks and applications to join the PVG Scheme for work relating to the coronavirus response.

Regulation 1 provides that the Regulations come into force on 26 June 2020. Regulation 2 sets out relevant definitions.

Regulation 3 makes provision in relation to the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010 (“the PVG Fees Regulations”). Regulations 3 and 4 of the PVG Fees Regulations prescribe the fees which are normally payable for an application to join the PVG Scheme under section 45 of the Protection of Vulnerable Groups (Scotland) Act 2007 or for an application for a disclosure request made under that Act. Regulation 3 of these Regulations sets out the circumstances in which the fees prescribed in regulations 3 and 4 of the PVG Fees Regulations are waived.

Regulation 4 makes provision in relation to the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (“the Police Act Regulations”). Regulation 3 of the Police Act Regulations prescribes the fees which are normally payable for an application for the issue of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate under the Police Act 1997. Regulation 4 of these Regulations sets out the circumstances in which the fees prescribed in regulation 3 of the Police Act Regulations do not apply and where the prescribed fee is instead £0.

Regulation 5 provides that these Regulations will cease to have effect after 6 months from the date on which they come into force and makes general savings provision for anything done under the Regulations before they cease to have effect.

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