
STATUTORY INSTRUMENTS

2010 No. 2660

**The Protection of Vulnerable Groups (Scotland)
Act 2007 (Consequential Provisions) Order 2010**

PART 6

Provision of information to the Independent Safeguarding Authority

Provision of police information to the Independent Safeguarding Authority

18.—(1) This article applies to—

- (a) the chief constable of a police force in Scotland; and
- (b) the Scottish Crime and Drug Enforcement Agency.

(2) For the purposes of enabling or assisting the Independent Safeguarding Authority to determine whether to include an individual in, or remove an individual from—

- (a) the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act; or
- (b) the children’s barred list or adults’ barred list maintained under Article 6 of the 2007 Order,

the ISA may require a person to whom this article applies to provide it with any information relating to an individual which the person thinks might be relevant in relation to the type of regulated activity (within the meaning of the 2006 Act or the 2007 Order) in relation to which a request under this paragraph is made.

(3) The ISA must pay such fee as Scottish Ministers think appropriate to a person who provides information under paragraph (2).

(4) A person must not provide information to the ISA under paragraph (2) if the person thinks that disclosing it to the individual to whom it relates would be contrary to the interests of the prevention or detection of crime.

Provision of information held by public bodies etc. to the Independent Safeguarding Authority

19.—(1) The Independent Safeguarding Authority may require a person who holds vetting information of a type prescribed under section 49(1)(d) of the 2007 Act to provide it with any such vetting information relating to an individual.

(2) Paragraph (3) applies to each of the persons set out in section 19(3) of the 2007 Act.

(3) For the purposes of enabling or assisting the ISA to determine whether to include an individual in, or remove an individual from—

- (a) the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act; or
- (b) the children’s barred list or adults’ barred list maintained under Article 6 of the 2007 Order,

the ISA may require a person to whom this paragraph applies to provide it with any information held by the person which the ISA thinks might be relevant.

(4) Information provided under paragraph (3) may, in particular, be information which relates to—

- (a) the regulated work (within the meaning of the 2007 Act) or the regulated activity (within the meaning of the 2006 Act or the 2007 Order) in relation to which the request is made under paragraph 3; or
- (b) the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular.

Provision of information held by regulated work providers to Independent Safeguarding Authority

20.—(1) For the purposes of enabling or assisting the Independent Safeguarding Authority to determine whether to include an individual in, or remove an individual from—

- (a) the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act; or
- (b) the children’s barred list or adults’ barred list maintained under Article 6 of the 2007 Order,

the ISA may require a person falling within section 20(2) of the 2007 Act to provide it with any information held by the person which the ISA thinks may be relevant.

(2) A person who fails, without reasonable excuse, to comply with paragraph (1) is guilty of an offence and liable, on summary conviction, to a fine not exceeding the amount specified as level 5 on the standard scale.