

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Part 7: Final Provisions

Section 98. Ancillary provision

178. **Section 98** provides the Scottish Ministers with the power to make supplementary, incidental, consequential, transitional, transitory or saving provision for the purposes of, or in connection with, or for the purposes of giving full effect to, any provision of this Act. This may include modifying any enactment, instrument or document.

Section 99. Saving: disclosure of information

179. This section clarifies, for example, that the Act does not affect the police's common-law powers to disclose information for the purpose of preventing or detecting crime.

Section 100. Orders and regulations

180. Subsection (3) provides that orders and regulations are to be made by negative resolution procedure except for those listed in subsection (4). Subsection (4) provides that the following matters require affirmative procedure:

- criteria leading to automatic listing, as set out in section 14;
- amending schedule 1 to modify the list of "relevant offences";
- organisations required to remove barred individuals from regulated work in section 35;
- some powers to modify the provisions of this Act or any other enactment, as given at section 87 or 98;
- any change to the meaning of "protected adult" in section 94; and
- any modification to the definition of regulated work with children or regulated work with adults using the order making powers in schedules 2 and 3 respectively.

Section 101. Commencement

181. **Section 101** provides flexibility for the Scottish Ministers to commence the various provisions of the Act at different times. Subsection (3) makes clear that the Scottish Ministers could bring the provisions into force on an area by area basis.