



# Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

## PART 1

### THE LISTS

#### *Consideration whether to list*

#### **10 Consideration whether to list: organisational referrals etc.**

- (1) This section applies where—
  - (a) prescribed information relating to an individual has been given to Ministers in pursuance of sections 3 to 6 or 8, and
  - (b) they are satisfied that the information was not given for vexatious or frivolous purposes.
- (2) Where Ministers are satisfied that the information indicates that it may be appropriate for the individual to be included in the children's list, they must consider listing the individual in that list.
- (3) Where Ministers are satisfied that the information indicates that it may be appropriate for the individual to be included in the adults' list, they must consider listing the individual in that list.
- (4) For the avoidance of doubt, subsections (2) and (3) apply in relation to an individual regardless of the type of regulated work which the individual is or has been doing.

#### **11 Consideration whether to list: court referrals**

- (1) This section applies where prescribed information relating to an individual has been given to Ministers in pursuance of section 7.
- (2) Where the individual has been convicted of a relevant offence, Ministers must consider listing the individual in the children's list.

- (3) In any other case, Ministers must consider listing the individual in the children's list where they are satisfied that—
- (a) the information indicates that it may be appropriate for the individual to be included in that list, and
  - (b) the individual does, has done or is likely to do regulated work with children.
- (4) Ministers must consider listing the individual in the adults' list where they are satisfied that—
- (a) the information indicates that it may be appropriate for the individual to be included in that list, and
  - (b) the individual does, has done or is likely to do regulated work with adults.

## **12 Consideration whether to list: vetting information etc.**

- (1) Ministers must consider listing an individual in the children's list if they are satisfied that—
- (a) either—
    - (i) vetting information about the individual, or
    - (ii) information received when considering whether to list the individual in the adults' list,indicates that it may be appropriate for the individual to be included in the children's list, and
  - (b) the individual does, has done or is likely to do regulated work with children.
- (2) Ministers must consider listing an individual in the adults' list if they are satisfied that—
- (a) either—
    - (i) vetting information about the individual, or
    - (ii) information received when considering whether to list the individual in the children's list,indicates that it may be appropriate for the individual to be included in the adults' list, and
  - (b) the individual does, has done or is likely to do regulated work with adults.

## **13 Consideration whether to list: inquiries**

- (1) This section applies where—
- (a) a relevant inquiry report names an individual who is or has been doing regulated work, and
  - (b) it appears to Ministers from the report that the person who held the inquiry found that the referral ground was met at a time when the individual was doing regulated work (whether that time was before or after this section comes into force).
- (2) Where it appears to Ministers from the report that it may be appropriate for the individual to be included in the children's list, they may consider listing the individual in the children's list.

- (3) Where it appears to Ministers from the report that it may be appropriate for the individual to be included in the adults' list, they may consider listing the individual in the adults' list.
- (4) For the avoidance of doubt, subsections (2) and (3) apply in relation to an individual regardless of the type of regulated work which the individual was doing.