Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 2

VETTING AND DISCLOSURE

Disclosure

[[F1]52A Review of vetting information in scheme record

(1) This section applies where a scheme member receives a copy of the scheme member's scheme record under section 52(5).

(2) The scheme member may apply to the sheriff for an order requiring Ministers to remove from the scheme record the vetting information referred to in section 52(4).

(3) An application under subsection (2)—

(a) may only be made if the scheme member notifies Ministers before the end of the period of 10 working days beginning with the date on which the scheme record was sent to the scheme member under section 52(5) of an intention to make the application,

(b) must be made before the end of the period of 3 months beginning with the date on which that notification is given, and

(c) must not relate to vetting information about a conviction which has previously been the subject of an application which—

(i) was refused under subsection (6)(b), and

(ii) related to the same type of regulated work.

(4) No finding of fact on which a conviction is based may be challenged in an application under subsection (2).

(5) Proceedings in an application under subsection (2) may take place in private if the sheriff considers it appropriate in all the circumstances.

(6) In determining an application under subsection (2) the sheriff must—

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Protection of Vulnerable Groups (Scotland) Act 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) if satisfied that the vetting information is not relevant in relation to a type of regulated work in relation to which the scheme member participates in the Scheme, allow the application,

(b) otherwise, refuse the application.

(7) The sheriff may allow the application in part where it relates to vetting information about two or more convictions.

(8) The decision of the sheriff on an application is final.

(9) Where the sheriff allows the application, the sheriff must order Ministers to remove the information from the scheme record in relation to a type of regulated work in relation to which the scheme member participates in the Scheme.

(10) On the determination of an application under subsection (2), Ministers must treat the disclosure request to which the application relates as if it had been made under section 52 on the day after the date on which the determination is made.**]**

Textual Amendments

F1 Ss. 52, 52A substituted for s. 52 (8.2.2016) by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 (S.S.I. 2015/423), arts. 1(2), **4(6)** (with arts. 5-10)

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Changes and effects yet to be applied to :

- s. 52A repealed by 2020 asp 13 sch. 5 para. 5(7)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6A inserted by 2020 asp 13 s. 80(2)
- s. 8(3)(za) inserted by 2020 asp 13 s. 82(3)
- s. 10(1)(aa) inserted by 2020 asp 13 s. 80(3)
- s. 13A-13C inserted by 2020 asp 13 s. 76(2)
- s. 18(5) inserted by 2020 asp 13 sch. 5 para. 5(2)(b)
- s. 30(3A)-(3C) inserted by 2020 asp 13 s. 77(3)
- s. 45A inserted by 2020 asp 13 s. 71
- s. 45B inserted by 2020 asp 13 s. 72
- s. 45C-45G inserted by 2020 asp 13 s. 73(2)
- s. 45H inserted by 2020 asp 13 s. 88(3)
- s. 46A inserted by 2020 asp 13 s. 79
- s. 49(3) inserted by 2020 asp 13 sch. 5 para. 5(3)(c)
- s. 70(2)(d) inserted by 2020 asp 13 sch. 5 para. 10(41)(b)
- s. 77(1A) inserted by 2020 asp 13 sch. 5 para. 10(46)(b)
- s. 94(2A)(2B) inserted by 2020 asp 13 s. 75(3)
- sch. 2 para. 31(1) words repealed by 2024 asp 5 Sch. para. 25(2)(a)(i)
- sch. 2 para. 31 words substituted by 2024 asp 5 Sch. para. 25(2)(b)