
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 4

**The Protection of Vulnerable Groups (Scotland) Act
2007 (Transitory Provisions in Consequence of the
Safeguarding Vulnerable Groups Act 2006) Order 2009**

Effect of listing by the IBB – children’s barred list

4.—(1) This article applies where the IBB, in exercise of its functions under the SVG (Transitory Provisions) Order, includes a person (X) in the children’s barred list established and maintained under section 2 (barred lists) of the 2006 Act.

(2) X is to be treated as if included in the list kept under section 1 (duty of Secretary of State to keep list) of the Protection of Children Act 1999⁽¹⁾, and any reference in—

- (a) the Protection of Children (Scotland) Act 2003⁽²⁾,
- (b) Part 5 (certificates of criminal records, &c.) of the Police Act 1997⁽³⁾, or
- (c) any subordinate legislation made under Part 5 of the Police Act 1997,

to a person included in the list kept under section 1 of the Protection of Children Act 1999 includes a reference to a person to be treated as if included in that list in accordance with this article.

(3) In section 98A(6) (application for registration of independent school) of the Education (Scotland) Act 1980⁽⁴⁾ the reference to section 17 of the Protection of Children (Scotland) Act 2003 is to be construed in accordance with this article.

(1) 1999 c. 14. Section 1 was amended by section 97(2) of the Care Standards Act 2000 (c. 14).

(2) 2003 asp 5.

(3) 1997 c. 50. Part 5 has been relevantly amended by sections 79 and 80 of, and schedule 4, paragraphs 33, 34, 38 and 40 to, the Protection of Vulnerable Groups (Scotland) Act 2007, sections 163 to 167 of, and Schedules 14 and 17 to, the Serious Organised Crime and Police Act 2005 (c. 15) and section 70 of the Criminal Justice (Scotland) Act 2003 (asp 7).

(4) 1980 c. 44. Section 98A was inserted by section 4(2) of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12).