

2010 No. 194

CHILDREN AND YOUNG PERSONS

PROTECTION OF VULNERABLE ADULTS

**The Protection of Vulnerable Groups (Scotland) Act 2007
(Unlawful Requests for Scheme Records) (Prescribed
Circumstances) Regulations 2010**

Made - - - - *12th May 2010*

Laid before the Scottish Parliament *13th May 2010*

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 67(3)(b) and 97(1)(a) of the Protection of Vulnerable Groups (Scotland) Act 2007(b) and of all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Unlawful Requests for Scheme Records) (Prescribed Circumstances) Regulations 2010 and come into force on the same day as section 44 of the Protection of Vulnerable Groups (Scotland) Act 2007.

Interpretation

2. In these Regulations—

- (a) “educational establishment” means an establishment within the meaning of paragraphs 15 and 16 of schedule 2 (regulated work with children) to the Protection of Vulnerable Groups (Scotland) Act 2007;
- (b) “hospital” has the same meaning as in section 108(1) (interpretation and construction) of the National Health Service (Scotland) Act 1978(c); and
- (c) “independent health care service” has the same meaning as in section 2(5) (care services) of the Regulation of Care (Scotland) Act 2001(d).

(a) See section 97(1) for the definition of “prescribed”.

(b) 2007 asp 14.

(c) 1978 c.29.

(d) 2001 asp 8.

Unlawful requests for scheme records : prescribed circumstances for the purposes of section 67(3)(b) of the Protection of Vulnerable Groups (Scotland) Act 2007

3. The circumstances prescribed for the purposes of section 67(3)(b) are that the regulated work is done by an individual in pursuance of an arrangement—

- (a) between an individual's employer and a council or an educational establishment under which an individual's employer is required to provide transport services to the council or to the educational establishment for the transport of children or protected adults to or from—
 - (i) a school, or
 - (ii) any other educational establishment;
- (b) between an individual's employer and a health body under which an individual's employer is required to provide transport services to the health body for the transport of children or protected adults to or from—
 - (i) a hospital, or
 - (ii) any other premises at which facilities are available for any of the services provided by the health body under the National Health Service (Scotland) Act 1978; or
- (c) between an individual's employer and an independent health care service under which an individual's employer is required to provide transport services to the independent health care service for the transport of children or protected adults to or from—
 - (i) an independent hospital,
 - (ii) a private psychiatric hospital,
 - (iii) an independent clinic, or
 - (iv) an independent medical agency.

ADAM INGRAM

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
12th May 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under sections 67(3)(b) and 97(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) (“the Act”) prescribe circumstances for the purposes of section 67(3)(b) of the Act.

Regulations 3 prescribes circumstances where a company or other organisation has arrangements with a council, school, other educational establishment, health body or independent health care service to provide transport to take children or protected adults to and from schools, other educational establishments, hospitals, independent hospitals, private psychiatric hospitals, independent clinics or independent medical agencies.

An adult will be a protected adult by virtue of being in receipt of a service within the meaning of section 94(1)(a), a community care service within the meaning of section 94(1)(c) or prescribed under section 94(1)(b) (prescribed service) and (d)(prescribed welfare service) of the Act. The Protection of Vulnerable Groups (Scotland) Act 2007 Prescribed Services (Protected Adults) Regulations (S.S.I. 2010/161) prescribe services under both section 94(1)(b) and (d).

These Regulations do not affect the meaning of “regulated work with children” or “regulated work with adults”. In order for a disclosure request to be obtained and subsequently disclosed to a third party under section 67 of the Act and these Regulations, the individual transporting the child or protected adult will still require to be in regulated work within the meaning of schedules 2 or 3 to the Act.

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