
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 381

PROTECTION OF VULNERABLE ADULTS

**The Protection of Vulnerable Groups
(Scotland) Act 2007 (Prescribed Purposes for
Consideration of Suitability) Regulations 2010**

*Made - - - - 2nd November 2010
Laid before the Scottish
Parliament - - - - 4th November 2010
Coming into force in accordance with regulation 1(1)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 73(g) and 97(1) of the Protection of Vulnerable Groups (Scotland) Act 2007(1) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Purposes for Consideration of Suitability) Regulations 2010 and come into force on the same day as section 44 of the Protection of Vulnerable Groups (Scotland) Act 2007.

(2) In these Regulations—

“the 2001 Act” means the Regulation of Care (Scotland) Act 2001(2);

“the 2007 Act” means the Protection of Vulnerable Groups (Scotland) Act 2007;

“Scottish Social Services Council” means the body corporate constituted in accordance with section 43 of the 2001 Act;

“social services worker” has the same meaning as in section 77(1) of the 2001 Act;

“social worker” has the same meaning as in section 77(1) of the 2001 Act.

Prescribed purpose

2. For the purposes of section 73(g) (consideration of suitability) of the 2007 Act the following purposes are prescribed—

(1) [2007 asp 14](#); section 97(1) contains a definition of “prescribed” relevant to the statutory powers under which these Regulations are made.
(2) [2001 asp 8](#).

- (a) to be appointed as a member or convenor—
 - (i) of a committee appointed by the Scottish Social Services Council or of a sub-committee appointed by such a committee under regulation 8(1) or (2) (appointments of committees and sub-committees) of the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001⁽³⁾, which is concerned with the registration or conduct of social workers or social services workers; or
 - (ii) of the Scottish Social Services Council appointed by the Scottish Ministers under paragraph 2 of schedule 2 (membership) to the 2001 Act;
- (b) to do, or to be offered or supplied to do, work outwith the United Kingdom that would, if done in Scotland, be—
 - (i) regulated work with children by virtue of paragraph 1(a) of part 1 of schedule 2 to the 2007 Act;
 - (ii) regulated work with adults by virtue of paragraph 1(a) of part 1 of schedule 3 to the 2007 Act.

St Andrew's House,
Edinburgh
2nd November 2010

ADAM INGRAM
Authorised to sign by the Scottish Ministers

(3) S.S.I. 2001/303 to which there are amendments which are not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe certain purposes in terms of section 73(g) of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”). Section 73(g) provides a power to prescribe further purposes in relation to references in Part 2 (vetting and disclosure) of the 2007 Act to a person considering an individual’s suitability to do, or to be offered or supplied for, any type of regulated work.

Regulation 2(a) means that references in Part 2 of the 2007 Act to a person considering an individual’s suitability to do, or to be offered or supplied for, any type of regulated work include a reference to considering an individual’s suitability to be appointed as a member or as the convener of a) a committee appointed by the Scottish Social Services Council in terms of regulation 8(1) of the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001, b) a sub committee appointed by such a committee in terms of regulation 8(2) of those Regulations, where the committee or sub-committee is concerned with the registration or conduct of social workers or social services workers, or c) the Scottish Social Services Council appointed by the Scottish Ministers under paragraph 2 of Schedule 2 to the Regulation of Care (Scotland) Act 2001.

Regulation 2(b) means that references in Part 2 of the 2007 Act to a person considering an individual’s suitability to do, or to be offered or supplied for, any type of regulated work include a reference to considering an individual’s suitability to do, or to be offered or supplied to do, work outwith the United Kingdom which would, if done in Scotland, be regulated work with children by virtue of paragraph 1(a) of part 2 of schedule 2 to the 2007 Act or with adults by virtue of paragraph 1(a) of part 2 of schedule 3 to the 2007 Act.