
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 446

**The Protection of Vulnerable Groups (Scotland)
Act 2007 (Miscellaneous Provisions) Order 2010**

PART 3

Provision of Information by Ministers and Double Barring

Provision of information by Ministers to the Independent Safeguarding Authority, the Secretary of State and the Department of Justice in Northern Ireland

14.—(1) Ministers may provide to a person specified in paragraph (2) (for the purposes specified in paragraph (2) in relation to such a person) any information specified in paragraph (3).

(2) The persons specified are—

- (a) the Independent Safeguarding Authority for the purposes of its functions under paragraphs 6 and 12 of Schedule 3 to the 2006 Act or under paragraphs 6 and 12 of Schedule 1 to the SVG (NI) Order 2007;
- (b) the Secretary of State for the purposes of the Secretary of State's functions under—
 - (i) Part 5 of the Police Act 1997;
 - (ii) the 2006 Act; or
 - (iii) the SVG (NI) Order 2007; and
- (c) the Department of Justice in Northern Ireland for the purposes of its functions under Part 5 of the Police Act 1997.

(3) The information specified is—

- (a) the fact that an individual is included in the children's list or adults' list or both lists, as the case may be;
- (b) the fact that an individual has been removed from the children's list, adults' list or both lists, as the case may be;
- (c) the fact that Ministers are considering whether to include an individual in the children's list, adults' list or both lists, as the case may be;
- (d) the fact that Ministers have decided not to list an individual in the children's list, adults' list or both lists, as the case may be;
- (e) such information held by Ministers which they consider would enable or assist a person specified in paragraph (2) to be satisfied as to the identity of an individual referred to in subparagraphs (a) to (d).

Provision of further information by Ministers to Independent Safeguarding Authority

15.—(1) Ministers may, for the purposes specified in paragraph (2), provide to the Independent Safeguarding Authority any information relating to an individual that they hold or have obtained

by virtue of performing their functions under the Protection of Children (Scotland) Act 2003(1) or under Parts 1 and 2 of the 2007 Act as they consider appropriate.

(2) The purposes are—

- (a) to enable or assist ISA to determine whether to include an individual in, or remove an individual from, the children’s barred list or adults’ barred list maintained under section 2 of the 2006 Act; or
- (b) to enable or assist ISA to determine whether to include an individual in, or remove an individual from, the children’s barred list or adults’ barred list maintained under Article 6 of the SVG (NI) Order 2007.

Provision of lists by Ministers to police

16.—(1) Ministers may provide to a person specified in paragraph (2)—

- (a) the name of each individual included in the children’s list;
- (b) the name of each individual included in the adults’ list; and
- (c) any other information contained in those lists which Ministers consider should be disclosed for any purpose mentioned in paragraph (3).

(2) The persons specified are—

- (a) the chief officer of a police force in England and Wales;
- (b) the National Policing Improvement Agency;
- (c) the Chief Constable of the Police Service of Northern Ireland;
- (d) the Royal Navy Police;
- (e) the Royal Military Police;
- (f) the Royal Air Force Police;
- (g) the Ministry of Defence Police;
- (h) the British Transport Police;
- (i) the Civil Nuclear Constabulary;
- (j) the Serious Organised Crime Agency;
- (k) the Child Exploitation and Online Protection Centre;
- (l) the States of Jersey Police Force;
- (m) the salaried police force of the Island of Guernsey;
- (n) the Isle of Man Constabulary; and
- (o) the Garda Síochána.

(3) Information may only be provided to a person specified in paragraph (2) for the purposes of—

- (a) the prevention or detection of crime; or
- (b) the apprehension or prosecution of offenders.

Provision of Scheme information by Ministers to police

17.—(1) Ministers may provide to a person specified in paragraph (2)—

- (a) the name of each individual participating in the Scheme;

- (b) confirmation of whether each individual participates in the Scheme in relation to regulated work with—
 - (i) children;
 - (ii) adults; or
 - (iii) both;
 - (c) any other information held by Ministers by virtue of their administration of the Scheme which Ministers consider would enable or assist the persons to whom the information is provided to satisfy themselves as to the identity of such individuals.
- (2) The persons specified are—
- (a) the chief officer of a police force in England and Wales;
 - (b) the National Policing Improvement Agency;
 - (c) the Chief Constable of the Police Service of Northern Ireland;
 - (d) the Royal Navy Police;
 - (e) the Royal Military Police;
 - (f) the Royal Air Force Police;
 - (g) the Ministry of Defence Police;
 - (h) the British Transport Police;
 - (i) the Civil Nuclear Constabulary;
 - (j) the Serious Organised Crime Agency;
 - (k) the Child Exploitation and Online Protection Centre;
 - (l) the States of Jersey Police Force;
 - (m) the salaried police force of the Island of Guernsey;
 - (n) the Isle of Man Constabulary; and
 - (o) the Garda Síochána.
- (3) Information may only be provided to a person specified in paragraph (2) for the purposes of—
- (a) enabling or assisting that person to provide vetting information to Ministers for the performance of Ministers' functions in relation to the Scheme;
 - (b) the prevention or detection of crime; or
 - (c) the apprehension or prosecution of offenders.

Double barring in England and Wales

- 18.**—(1) Ministers may remove an individual from the children's list where—
- (a) an individual is included in both the children's list and the children's barred list maintained under section 2 of the 2006 Act; and
 - (b) Ministers consider that it would be more appropriate for the individual to be included in the children's barred list maintained under section 2 of the 2006 Act than in the children's list.
- (2) Ministers may remove an individual from the adults' list where—
- (a) an individual is included in both the adult's list and the adults' barred list maintained under section 2 of the 2006 Act; and
 - (b) Ministers consider that it would be more appropriate for the individual to be included in the adults' barred list maintained under section 2 of the 2006 Act than in the adults' list.

Double barring in Northern Ireland

- 19.—(1) Ministers may remove an individual from the children’s list where—
- (a) an individual is included in both the children’s list and the children’s barred list maintained under Article 6 of the SVG (NI) Order 2007; and
 - (b) Ministers consider that it would be more appropriate for the individual to be included in the children’s barred list maintained under Article 6 of the SVG (NI) Order 2007 than in the children’s list.
- (2) Ministers may remove an individual from the adults’ list where—
- (a) an individual is included in both the adults’ list and the adults’ barred list maintained under Article 6 of the SVG (NI) Order 2007; and
 - (b) Ministers consider that it would be more appropriate for the individual to be included in the adults’ barred list maintained under Article 6 of the SVG (NI) Order 2007 than in the adults’ list.