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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 411**

**CHILDREN AND YOUNG PERSONS  
PROTECTION OF VULNERABLE ADULTS**

**The Protection of Vulnerable Groups  
(Scotland) Act 2007 (Prescribed Purposes for  
Consideration of Suitability) Regulations 2011**

*Made* - - - - *22nd November*  
*Laid before the Scottish* *2011*  
*Parliament* - - - - *24th November 2011*  
*Coming into force* - - *20th January 2012*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 73(g) 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 2011 and come into force on 20th January 2012.

(2) In these Regulations—

“the 2011 Order” means the Public Services Reform (General Teaching Council for Scotland) Order 2011(2);

“the GTCS” means the General Teaching Council for Scotland, the body corporate established by section 1 (establishment of General Teaching Council for Scotland) of the Teaching Council (Scotland) Act 1965(3) and continued in existence by article 4 of the 2011 Order(4).

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(1) 2007 asp 14. “Prescribed” is defined in section 97(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 for the purposes of making these Regulations to mean prescribed in regulations made by the Scottish Ministers.  
(2) S.S.I. 2011/215.  
(3) 1965 c.19; section 1 of that Act was amended by section 16 of the Teaching and Higher Education Act 1998 (c.30), section 45 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6) and Schedule 26 to the Equality Act 2010 (c.15). The Teaching Council (Scotland) Act 1965 is to be repealed and replaced by S.S.I. 2011/215 on 2nd April 2012.  
(4) Article 4 comes into force on 2nd April 2012.

### **Prescribed purpose**

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

- (a) to be elected, nominated or appointed as a member of the GTCS in accordance with Schedule 2 (GTCS Membership) to the 2011 Order<sup>(5)</sup>; and
- (b) to be appointed to a committee of the GTCS, or to a sub-committee appointed by such a committee, under paragraph 3 (committees) of Schedule 3 to the 2011 Order if the GTCS has delegated or intends to delegate any of its functions concerning fitness to teach to the committee or sub-committee under paragraph 11(1)(b) (delegation of the GTCS's functions) of Schedule 3 to the 2011 Order.

St Andrew's House,  
Edinburgh  
22nd November 2011

*MICHAEL W RUSSELL*  
A member of the Scottish Executive

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(5) By virtue of paragraph 1 of Schedule 2, the General Teaching Council for Scotland is to have 19 elected members, 11 nominated members and 7 appointed members. Paragraph 2 of Schedule 2 provides for the election of members, paragraph 3 provides for the nomination of members and paragraph 4 provides for the appointment of members.

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## 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 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 for the purposes set out at sub-paragraphs (a) and (b). The purpose prescribed in sub-paragraph (a) is to be elected, nominated or appointed as a member of the General Teaching Council for Scotland (“the GTCS”) in accordance with Schedule 2 to the Public Services Reform (General Teaching Council for Scotland) Order 2011 ([S.S.I. 2011/215](#)). The purpose prescribed in sub-paragraph (b) is to be appointed to a committee, or a sub-committee, of the GTCS, in accordance with paragraph 3 of Schedule 3 to that Order, where the committee or sub-committee carries out fitness to teach functions of the GTCS. Members of such committees or sub-committees may not be members of the GTCS.