

2016 No. 27

PROTECTION OF VULNERABLE ADULTS

**The Protection of Vulnerable Groups (Scotland) Act 2007
(Prescribed Purposes for Consideration of Suitability)
Regulations 2016**

Made - - - - *14th January 2016*
Laid before the Scottish Parliament *18th January 2016*
Coming into force - - *1st April 2016*

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(a) 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 2016 and come into force on 1st April 2016.

(2) In these Regulations—

“the 1978 Act” means the National Health Service (Scotland) Act 1978(b);

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

“independent health care service” has the same meaning as in section 10F of the 1978 Act(c).

Prescribed purpose

2. The provision of an independent health care service (for the purposes of Part I of the 1978 Act) is prescribed for the purposes of section 73(g) of the 2007 Act(d).

SHONA ROBISON
A member of the Scottish Government

St Andrew’s House,
Edinburgh
14th January 2016

(a) 2007 asp 14. Section 97(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.
(b) 1978 c.29.
(c) Section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).
(d) Section 10Z18 of the 1978 Act defines “provide”, in relation to an independent health care service, as meaning to carry on or manage such a service. Related expressions, such as “provision”, are to be construed accordingly.

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.

The effect of regulation 2 is 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 provide an independent health care service.

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