

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Schedule 4: Minor and Consequential Amendments and Repeals

Police Act 1997

218. [Paragraph 27](#) identifies the following paragraphs as amending Part 5 of the Police Act. Paragraph 28 allows the Scottish Ministers to withhold a standard or enhanced disclosure certificate under Part 5 if a scheme record disclosure could be obtained. Individuals seeking disclosure to do regulated work should be requesting disclosure records under this Act and not certificates under the Police Act.
219. [Paragraphs 29, 30, 31, 32 and 35](#) make a number of technical changes to Part 5 of the Police Act to allow for information about barred status (in terms of this Act) to be included on enhanced disclosure certificates in the few situations where it would not be appropriate for those individuals to become scheme members, but it is right that, as well as conviction information, the employer receives information about barred status, for example, where somebody is applying to adopt a child.
220. [Paragraphs 31 and 32](#) (and paragraph 41) also make provision for Crown work in the Police Act, mirroring section 56 of this Act.
221. [Paragraph 33](#) makes amendments to section 117 of the Police Act which brings the provision for correcting an inaccurate disclosure in line with provision at section 51 of this Act.
222. [Paragraph 34](#) makes amendments to section 118 of the Police Act which correspond to that made at section 63 of this Act in respect of use of fingerprints and updates the reference to the Identity and Passport Service (as at section 64 of this Act).
223. [Paragraphs 36 and 39](#) make consequential amendments to provision in the Police Act for registered persons. These paragraphs supplement references to countersigning applications for standard or enhanced disclosure with references to making declarations in relation to disclosure requests for scheme record disclosure or short scheme record disclosure.
224. [Paragraph 37](#) is a consequential amendment which updates references to some of the sources of information that will be checked when an assessment is being made about the suitability of an individual to become, or continue to be, a registered person under Part 5 of the Police Act. The existing references which are to the English lists and the DWCL (under PoCSA) are replaced with a reference to being barred under this Act.
225. [Paragraphs 38 and 40](#) make provision for the Scottish Ministers to delegate their functions under Part 5 of the Police Act in the same way as section 74 of this Act makes provision for delegation of vetting and disclosure functions under this Act. Section

*These notes relate to the Protection of Vulnerable Groups (Scotland)
Act 2007 (asp 14) which received Royal Assent on 18 April 2007*

122B of the Police Act, exercised together with section 74 of this Act, would enable all types of disclosure to be contracted out to a third party.