



# Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

## PART 1

### THE LISTS

#### *Listing: supplementary*

#### **30 Notice of listing etc.**

- (1) Subsection (2) applies where—
- (a) an individual has been listed under section 14, 15 or 16,
  - (b) Ministers become aware that an individual has otherwise been barred from doing regulated work with children or adults, or
  - (c) Ministers are considering whether to list an individual by virtue of sections 10 to 13.
- (2) Where this subsection applies, Ministers must notify the persons specified in subsection (3) of the fact—
- (a) that the individual has been barred from doing regulated work with children or adults, or, as the case may be
  - (b) that they are considering whether to list the individual.
- (3) Those persons are—
- (a) the individual concerned,
  - (b) where—
    - (i) the individual has been barred from regulated work with children, or
    - (ii) Ministers are considering whether to list the individual in the children's list,any organisation for which they know the individual is doing regulated work with children,
  - (c) where—
    - (i) the individual has been barred from regulated work with adults, or

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- (ii) Ministers are considering whether to list the individual in the adults' list,
    - any organisation for which they know the individual is doing regulated work with adults, and
  - (d) any relevant regulatory body whom Ministers think it would be appropriate to notify of that fact.
- (4) Where, after considering whether to list an individual, Ministers decide not to do so, they must give notice of that fact to—
  - (a) the individual,
  - (b) where Ministers have decided not to include the individual in the children's list, any organisation for which they know the individual is doing regulated work with children,
  - (c) where Ministers have decided not to include the individual in the adults' list, any organisation for which they know the individual is doing regulated work with adults, and
  - (d) any relevant regulatory body to whom Ministers gave notice under subsection (2) of the fact that they were considering whether to list the individual.
- (5) A notice given under subsection (2) or (4) may include—
  - (a) such details as Ministers think appropriate—
    - (i) where the individual has been barred (by being listed or otherwise), about the circumstances in which the individual was barred,
    - (ii) where they have decided not to list an individual, about the circumstances in which the individual was considered for listing, and
  - (b) any other information about the individual which Ministers think appropriate.
- (6) Where Ministers remove an individual from a list under section 29, they must give notice of that fact to—
  - (a) the individual, and
  - (b) any relevant regulatory body whom they think it would be appropriate to notify of that fact (having regard to the period for which the individual has been listed).
- (7) The following persons are “relevant regulatory bodies”—
  - The General Teaching Council for Scotland
  - The Scottish Commission for the Regulation of Care
  - The Scottish Social Services Council
  - Any other person specified in an order made by Ministers
- (8) A notice which this section requires to be given to an individual may be given—
  - (a) by delivering it to the individual,
  - (b) by leaving it at the individual's usual or last known place of abode, or
  - (c) by sending it by post to the individual at that place.

### **31 Relevant inquiries**

- (1) This section applies for the purposes of section 13 and 17.
- (2) A relevant inquiry is any of the following—

- (a) an inquiry held—
  - (i) by Ministers,
  - (ii) by the Scottish Parliament (including an inquiry held by a committee or sub-committee of the Parliament),
- (b) an inquiry held under the Inquiries Act 2005 (c. 12),
- (c) any other inquiry or hearing designated for the purposes of this section by an order made by Ministers.

(3) “Relevant inquiry report” means the report by the person who held the relevant inquiry.

### **32 Relevant offences etc.**

- (1) For the purposes of this Part an individual commits a relevant offence if the individual—
- (a) commits an offence which falls within paragraph 1 of schedule 1, or
  - (b) falls within paragraph 2 of that schedule,
- and references to being convicted of, or charged with, a relevant offence are to be construed accordingly.
- (2) Ministers may by order modify schedule 1 so as to modify the circumstances in which an individual is to be treated for the purposes of this Part as having committed a relevant offence.
- (3) Subsection (4) applies to an individual if—
- (a) the individual is charged with an offence,
  - (b) either—
    - (i) the individual is acquitted of the charge on the ground of insanity, or
    - (ii) the court makes a finding under section 55(2) of the 1995 Act in respect of the individual, and
  - (c) the court makes any order mentioned in section 57(2)(a) to (d) of the 1995 Act in relation to the acquittal or finding.
- (4) An individual to whom this subsection applies is to be treated, for the purposes of sections 7, 17 and 24, as having been convicted of the offence.

### **33 Duty to notify certain changes**

- (1) An individual who is listed, or whom Ministers are considering whether to list, must give Ministers notice of—
- (a) a change in the individual’s name or address,
  - (b) the issue of a full gender recognition certificate to the individual under section 4 of the Gender Recognition Act 2004 (c. 7), or
  - (c) any other change in circumstance of a prescribed type.
- (2) A notice under subsection (1) must be given within 1 month of the date of the change or issue of the certificate to which it relates.
- (3) An individual who fails, without reasonable excuse, to comply with subsection (1) commits an offence.

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- (4) An individual guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.