



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 2

VETTING AND DISCLOSURE

Disclosure

52 Disclosure of scheme records

- (1) Ministers must disclose a scheme member's scheme record if—
 - (a) disclosure conditions A to D are satisfied, and
 - (b) section 53 does not require them to disclose the scheme member's short scheme record.
- (2) Ministers must send a copy of a record disclosed under subsection (1) to the scheme member who made the disclosure request.

53 Disclosure of short scheme records

- (1) Ministers must disclose a scheme member's short scheme record if—
 - (a) disclosure conditions A to D are satisfied,
 - (b) they have previously disclosed the member's scheme record, and
 - (c) the scheme member requests disclosure of a short scheme record only.
- (2) Ministers must send a copy of a record disclosed under subsection (1) to the scheme member who made the disclosure request.
- (3) A short scheme record is a document which—
 - (a) includes a scheme member's statement of scheme membership,
 - (b) specifies the date on which the scheme member's scheme record was last disclosed under section 52,
 - (c) says whether any vetting information was included in the scheme member's scheme record on that date,

Status: This is the original version (as it was originally enacted).

- (d) if any new vetting information has been included in the scheme member's scheme record since that date, says when that information was so included, and
 - (e) if any vetting information has been removed from the scheme member's scheme record since that date, says when that information was so removed.
- (4) A short scheme record must not disclose any vetting information of the types referred to in paragraphs (c) to (e) of subsection (3).

54 Disclosure of scheme membership

- (1) If disclosure conditions A to C are satisfied, Ministers must disclose a scheme member's statement of scheme membership.
- (2) Ministers must send a copy of a statement disclosed under subsection (1) to the scheme member who made the disclosure request.

55 Disclosure conditions

The disclosure conditions are—

<i>Condition A</i>	The scheme member requests Ministers to make the disclosure to a person, and in relation to a type of regulated work, specified in the request.
<i>Condition B</i>	The scheme member participates in the Scheme in relation to that type of regulated work.
<i>Condition C</i>	The person to whom the disclosure is to be made declares that the disclosure is requested for the purpose of enabling or assisting the person (or any other person for whom the person acts) to consider the scheme member's suitability to do, or to be offered or supplied for, that type of regulated work.
<i>Condition D</i>	The person to whom the disclosure is to be made is a registered person for the purposes of Part 5 of the 1997 Act.

56 Crown work

- (1) This section applies where a disclosure declaration is made by—
 - (a) a Minister of the Crown,
 - (b) a member of the Scottish Executive,
 - (c) any other office-holder in the Scottish Administration, or
 - (d) a nominee of any person mentioned in paragraphs (a) to (c).
- (2) Where this section applies Ministers may, despite disclosure condition D, disclose the relevant scheme record or short scheme record.

57 Disclosure restrictions

- (1) Regulations under section 49(1)(d) may prohibit Ministers (at any time or in prescribed circumstances)—
 - (a) from including a prescribed type of information in scheme records,
 - (b) from disclosing a prescribed type of information under section 52 or 53.
- (2) Subsection (3) applies where—
 - (a) a scheme member participates in the Scheme in relation to both types of regulated work, and
 - (b) Ministers receive a disclosure request which includes a disclosure declaration made in relation to only one of those types of regulated work.
- (3) Where this subsection applies, Ministers must not—
 - (a) disclose information which appears in the member's scheme record only because the member participates in the Scheme in relation to the other type of regulated work, or
 - (b) reveal whether any such information has been included in, or removed from, the member's scheme record.