



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 1

THE LISTS

Referrals

3 Reference following disciplinary action etc.

- (1) An organisation must give Ministers any prescribed information which it holds in relation to an individual who is or has been doing regulated work if—
- (a) it has, on the referral ground—
 - (i) dismissed the individual, or
 - (ii) transferred the individual to a position which does not involve that type of regulated work, or
 - (b) it would or might have dismissed or so transferred the individual on the referral ground if the individual had not—
 - (i) otherwise stopped doing regulated work, or
 - (ii) been working for the organisation for a fixed term.
- (2) An organisation must give Ministers any prescribed information which it holds in relation to an individual who has been doing regulated work if—
- (a) the individual stops doing the regulated work in circumstances not falling within subsection (1),
 - (b) the organisation subsequently becomes aware of information which it was unaware of when the individual stopped doing regulated work, and
 - (c) the organisation considers that, if—
 - (i) it had been aware of that information at that time, and
 - (ii) the individual had not stopped doing regulated work,it would or might have dismissed the individual on the referral ground.
- (3) In subsections (1) and (2)—

Status: Point in time view as at 18/04/2010. This version of this provision has been superseded.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Section 3 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date.

Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) an individual suspended from regulated work is not to be treated as having stopped doing that work, and
 - (b) the duty to give Ministers information in relation to the temporary transfer of an individual to another position applies only if the organisation subsequently makes a final decision not to permit the individual to resume the type of regulated work from which the individual was transferred.
- (4) This section does not apply to personnel suppliers (see sections 4 and 5).

Commencement Information

II S. 3(1)(2) in force at 18.4.2010 for specified purposes by S.S.I. 2010/133, art. 2, Sch.

Status:

Point in time view as at 18/04/2010. This version of this provision has been superseded.

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