



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 2

#### PROTECTION OF VULNERABLE GROUPS

##### *Regulated roles*

#### 74 Regulated roles

- (1) The PVG Act is amended as follows.
- (2) For section 91 (regulated work) substitute—

##### **“91 Regulated roles**

- (1) A regulated role means a regulated role with children or adults.
  - (2) A regulated role with children has the meaning given in schedule 2.
  - (3) A regulated role with adults has the meaning given in schedule 3.
  - (4) In this Act, there are two types of regulated roles—
    - (a) regulated roles with children, and
    - (b) regulated roles with adults.
  - (5) References in this Act to types of regulated roles are to be construed accordingly.”.
- (3) For schedule 2 (regulated work with children) substitute the schedule contained in schedule 3.
  - (4) For schedule 3 (regulated work with adults) substitute the schedule contained in schedule 4.

#### 75 Meaning of “protected adult”

- (1) Section 94 (meaning of “protected adult”) of the PVG Act is amended as follows.

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*Status: This is the original version (as it was originally enacted).*

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- (2) In subsection (1) for the words from “an individual” to the end of that subsection substitute “—
- (a) an individual aged 18 or over who, by reason of physical or mental disability, illness, infirmity or ageing—
    - (i) has an impaired ability to protect themselves from physical or psychological harm, or
    - (ii) requires assistance with the activities of daily living,
  - (b) in relation to a regulated role with adults that involves the carrying out of activities mentioned in paragraph 17 of Part 2 of schedule 3, an individual aged 18 or over who—
    - (i) is homeless (within the meaning of section 24 of the Housing (Scotland) Act 1987), or
    - (ii) has experienced, is experiencing or is at risk of experiencing domestic abuse,
  - (c) in relation to a regulated role with adults that involves the carrying out of activities mentioned in one or more of paragraphs 6 to 12 of Part 2 of schedule 3 (health care), an individual aged 18 or over who is being provided with a prescribed health service, or
  - (d) in relation to a regulated role with adults that involves the carrying out of such of the activities mentioned in Part 2 of schedule 3 as may be prescribed, an individual aged 18 or over who is being provided with—
    - (i) a prescribed support service,
    - (ii) a prescribed adult placement service,
    - (iii) a prescribed care home service,
    - (iv) a prescribed housing support service,
    - (v) a prescribed community care service, or
    - (vi) a prescribed welfare service.”.
- (3) After subsection (2) insert—
- “(2A) In subsection (1)(b)(ii), “domestic abuse” means behaviour (whether or not amounting to a criminal offence) that—
- (a) is perpetrated between partners or ex-partners, whether in the home or elsewhere or by means of electronic or other forms of communications, and
  - (b) involves any form of physical, verbal, sexual, psychological, emotional or financial abuse of one of the partners or ex-partners by the other.
- (2B) For the purposes of subsection (2A), a person is a partner of another person if they are—
- (a) married to each other,
  - (b) civil partners of each other,
  - (c) living with each other as if they were married to each other, or
  - (d) otherwise in an intimate relationship with each other,
- and the references to ex-partners are to be construed accordingly.”.
- (4) In subsection (3)—

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

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- (a) in paragraph (a), for “paragraph (a) of subsection (1)” substitute “sub-paragraphs (i) to (iv) of subsection (1)(d)”,
  - (b) paragraphs (b) and (c) are repealed.
- (5) In subsection (4)—
- (a) after “In” insert “sub-paragraph (v) of”,
  - (b) the definition of “direct payment” is repealed.
- (6) In subsection (5), for “subsection (1)(d)” substitute “sub-paragraph (vi) of subsection (1)(d)”.