



Disclosure (Scotland) Act 2020

2020 asp 13

PART 2

PROTECTION OF VULNERABLE GROUPS

Scheme membership

PROSPECTIVE

71 Duration of Scheme membership

After section 45 of the PVG Act insert—

“45A Duration of Scheme membership

- (1) A scheme member participates in the Scheme (unless earlier removed from the Scheme) in relation to a type of regulated role until the end of the period of 5 years beginning with the day on which—
 - (a) the scheme member joins the Scheme in relation to that type of regulated role, or (as the case may be)
 - (b) the scheme member's membership of the Scheme in relation to that type of regulated role is renewed.
- (2) In this section and section 45B, the period mentioned in subsection (1) is referred to as the “membership period”.
- (3) No later than 3 months before the end of the membership period (the “expiry date”)—
 - (a) Ministers must send written notice to the persons mentioned in subsection (4)—
 - (i) of the expiry date, and
 - (ii) that the scheme member's participation in the Scheme in relation to the type of regulated role concerned will end on that date unless the scheme member's membership of the Scheme is renewed,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Section 71. (See end of Document for details)

- (b) may send written notice of those facts to any person other than an organisation for whom Ministers know the scheme member is carrying out a regulated role of the type concerned.
- (4) The persons referred to in subsection (3)(a) are—
- (a) the scheme member,
 - (b) any organisation for whom Ministers know the scheme member is carrying out a regulated role of the type concerned,
 - (c) any personnel supplier whom Ministers know has offered or supplied the scheme member to carry out a regulated role of the type concerned,
 - (d) any relevant regulatory body (within the meaning of section 13A(8)) whom Ministers think it would be appropriate to notify.
- (5) Subsection (6) applies where—
- (a) a scheme member participates in the Scheme in relation to both types of regulated role, and
 - (b) notice is given under subsection (3)(a) to an organisation, personnel supplier or relevant regulatory body, or under subsection (3)(b), in relation to only one of the types of regulated role.
- (6) Where this subsection applies, the notice must not disclose any information relating to the scheme member's participation in the Scheme in relation to the other type of regulated role (or that the scheme member participates in the Scheme in relation to that other type of regulated role).
- (7) If a scheme member has applied to renew the scheme member's membership of the Scheme in relation to a type of regulated role before the expiry date but Ministers have not, as at the expiry date, determined the application, the scheme member's participation in the Scheme in relation to that type of regulated role is to continue in effect until the application is determined.”.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, Section 71.