



# Disclosure (Scotland) Act 2020

## 2020 asp 13

### PART 2

#### PROTECTION OF VULNERABLE GROUPS

##### *Confirmation of PVG Scheme membership*

#### **86 Confirmation of scheme membership under the PVG Act**

- (1) The PVG Act is amended as follows.
- (2) For section 46 (statement of scheme membership) substitute—

##### **“46 Confirmation of scheme membership**

- (1) Ministers must provide a confirmation of scheme membership to each scheme member.
- (2) A confirmation of scheme membership is a document which—
  - (a) specifies the type of regulated role in relation to which the scheme member participates in the Scheme,
  - (b) confirms that the scheme member is not barred from that type of role,
  - (c) if Ministers are considering whether to list the member in relation to that type of role—
    - (i) states that fact, and
    - (ii) sets out details of any conditions that Ministers have imposed under section 13A(1) or, if no such conditions have been imposed, states that fact, and
  - (d) contains such other information about the scheme member as may be prescribed.
- (3) Ministers need not comply with subsection (1) where, at the same time as the individual applies to join the scheme, the individual makes an application under section 11 of the Disclosure (Scotland) Act 2020 for a Level 2 disclosure where section 17 of that Act applies.”.

(3) For section 54 (disclosure of scheme membership) substitute—

**“54 Provision of confirmation of scheme membership to third parties**

- (1) Where—
  - (a) a scheme member requests that Ministers make a confirmation of scheme membership available to such other person (a “third party”) as the member specifies in the request, and
  - (b) the conditions in subsection (2) are satisfied,Ministers must comply with the request.
- (2) The conditions are that—
  - (a) the request includes a statement referred to in subsection (3),
  - (b) the request specifies the type of regulated role in relation to which it is made, and
  - (c) the scheme member participates in the Scheme in relation to that type of regulated role.
- (3) The statement is a statement by the scheme member that the confirmation of scheme membership is requested for the purpose of enabling or assisting the third party (or any other person for whom the third party acts) to consider the member’s suitability to carry out, or to be offered or supplied for, the type of regulated role in relation to which the member participates in the Scheme.”