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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations made under sections 67(3)(b) and 97(1) of the [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#) (“the Act”) prescribe circumstances for the purposes of section 67(3)(b) of the Act.

Regulations 3 prescribes circumstances where a company or other organisation has arrangements with a council, school, other educational establishment, health body or independent health care service to provide transport to take children or protected adults to and from schools, other educational establishments, hospitals, independent hospitals, private psychiatric hospitals, independent clinics or independent medical agencies.

An adult will be a protected adult by virtue of being in receipt of a service within the meaning of section 94(1)(a), a community care service within the meaning of section 94(1)(c) or prescribed under section 94(1)(b) (prescribed service) and (d)(prescribed welfare service) of the Act. The Protection of Vulnerable Groups (Scotland) Act 2007 Prescribed Services (Protected Adults) Regulations ([S.S.I. 2010/161](#)) prescribe services under both section 94(1)(b) and (d).

These Regulations do not affect the meaning of “regulated work with children” or “regulated work with adults”. In order for a disclosure request to be obtained and subsequently disclosed to a third party under section 67 of the Act and these Regulations, the individual transporting the child or protected adult will still require to be in regulated work within the meaning of schedules 2 or 3 to the Act.