SCOTTISH STATUTORY INSTRUMENTS

2010 No. 344 (C. 19)

POLICE
CHILDREN AND YOUNG PERSONS
PROTECTION OF VULNERABLE ADULTS
CRIMINAL LAW

The Protection of Vulnerable Groups (Scotland) Act 2007 (Commencement No. 4) and the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 3) Order 2010

Made - - - - *23rd September 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 101(2) and (3) of the Protection of Vulnerable Groups (Scotland) Act 2007(**1**) and section 206(1) of the Criminal Justice and Licensing (Scotland) Act 2010(**2**).

Citation and interpretation

1. This Order may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Commencement No. 4) and the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 3) Order 2010.

Appointed day

2. 12th October 2010 is the day appointed for the coming into force of—

(a) the following provisions of the Protection of Vulnerable Groups (Scotland) Act 2007—

(i) section 8(3)(d);

(ii) section 19(3);

(iii) section 71;

(iv) section 81(2); and

(**1**) 2007 asp 14.
(**2**) 2010 asp 13.

(b) section 108 of the Criminal Justice and Licensing (Scotland) Act 2010 (amendment of Part 5 of Police Act 1997(**3**))—

(i) subsection (1), but only in relation to subsection (4); and

(ii) subsection (4).

St Andrew's House,
Edinburgh
23rd September 2010

ADAM INGRAM
Authorised to sign by the Scottish Ministers

(**3**) 1997 c..50.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Protection of Vulnerable Groups (Scotland) Act 2007 ("the 2007 Act") and the Criminal Justice and Licensing (Scotland) Act 2010 ("the 2010 Act") on 12th October 2010.

Under section 8(3)(d) of the 2007 Act the Scottish Ministers may specify the relevant functions of any person specified in an order under section 8(2). The persons listed in section 8(2), and any order made under that section, may give the Scottish Ministers prescribed information concerning an individual who is doing or has done regulated work where the person considers that the referral ground in section 2 of the Act has been met. The prescribed information which may be given to the Scottish Ministers is information which the person has obtained in the exercise of relevant functions.

Section 19(3) of the 2007 Act gives the Scottish Ministers the power to specify other persons who may be required to provide information to them under section 19(1) of the 2007 Act.

Section 71 of the 2007 Act allows the Scottish Ministers to determine the form and manner in which applications to join, or to be removed from the Scheme (established under section 44), requests to correct a Scheme record and disclosure requests (including disclosure declarations made in relation to them) must be made. It also allows them to determine whether such applications, requests or declarations can be made in electronic form.

Section 81(2) of the 2007 Act inserts a new section 120ZB into the Police Act 1997 ("the 1997 Act") which allows the Scottish Ministers to make regulations about registration under the 1997 Act.

Section 108(1) and (4) of the 2010 Act amends section 120ZB of the 1997 Act and the powers to make regulations about registration.

NOTES AS TO EARLIER COMMENCEMENT ORDERS

(These notes are not part of the Order)

NOTE AS TO EARLIER COMMENCEMENT ORDERS FOR THE PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

The 2007 Act received Royal Assent on 18th April 2007. Part 7 came into force on that day.

Provision	*Date of Commencement*	*S.S.I. No.*
Sections 82, 83, 86 and 88 (partially), 97(1) and schedule 4, paragraphs 1, 3 and 4	1st September 2007	2007/385
Sections 79, 80, 87, 88 (partially) and schedule 4, paragraphs 27, 33, 34, 38, 40 and 46 (partially)	11th January 2008	2007/564
Sections 3(1) and (2), 4, 5, 6(2), 7(1) and (3), 8(1) and (2), 14(3) and (4), 17(5)(d), 25(3)(a), 32(2), 35(2) and (3), 42(1)(c) and 42 (2); 49(1)(d), 63(1), 64(2), 67(3)(b), 70(1), (2) and (3),	18th April 2010	2010/133

Provision	*Date of Commencement*	*S.S.I. No.*
72, 73(g), 88 (partially), 92(3), (4), (5) and (6), 94(1)(b) and (d), schedule 2 paragraphs 28 and 29, schedule 3 paragraph 13 and schedule 4, paragraph 29.		

NOTE AS TO EARLIER COMMENCEMENT ORDERS FOR THE CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

The 2010 Act received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 came into force on that day.

Provision	*Date of Commencement*	*S.S.I. No.*
Section 178(3)(e) (partially)	16th August 2010	2010/297
Sections 38 and 97	6th October 2010	2010/339