
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 446

**The Protection of Vulnerable Groups (Scotland)
Act 2007 (Miscellaneous Provisions) Order 2010**

PART 2

Amendment of the 2007 Act

Amendment of section 40 (restrictions on listing in adults' list) of the 2007 Act

- 8.—**(1) Section 40 (restrictions on listing in adults' list) of the 2007 Act is amended as follows.
- (2) In subsection (1), the words from “by” to the end of the subsection are repealed.
- (3) In subsection (2)(a), for “considered” substitute “dealt with”.
- (4) In subsection (3)—
- (a) for paragraph (a) substitute—
- “**(a)** the individual’s case has been dealt with in pursuance of relevant corresponding legislation, and”;
- (b) in paragraph (b), for “by ISA before it made its decision” substitute “before, or when, the individual’s case was last dealt with in pursuance of the relevant corresponding legislation”.
- (5) In subsection (4)(b), for “considers” substitute “deals with”.
- (6) In subsection (5)—
- (a) after “if” insert “they consider that it would be more appropriate for the individual’s case to be dealt with by ISA.”; and
- (b) paragraphs (a) and (b) are repealed.
- (7) After subsection (5) insert—
- “**(6)** Where—
- (a) in pursuance of subsection (5), Ministers do not list an individual in the adults’ list under section 14, and
- (b) ISA deals with the individual’s case,
- section 30 applies (with any necessary modifications) as if Ministers had listed the individual in the adults’ list under section 14.
- (7) In this section “relevant corresponding legislation” means—
- (a) Part 7 of the Care Standards Act 2000 (c.14),
- (b) the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003,
- (c) the Safeguarding Vulnerable Groups Act 2006 (c.47),
- (d) the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.”.