

*These notes relate to the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) which received Royal Assent on 18 April 2007*

# **PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007**

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## **EXPLANATORY NOTES**

### **OVERVIEW**

#### **Part 1 – the Lists**

##### ***Section 14. Automatic listing***

40. **Section 14** requires the Scottish Ministers to place an individual on the children's list or the adults' list where the individual satisfies specified criteria for automatic inclusion. Such criteria will be specified by order, made subject to affirmative procedure in the Scottish Parliament.
41. The Scottish Ministers intend to use the order making power at section 14(3) to capture historic, serious offences picked up if such an individual applies for scheme membership under section 45. This would prevent the need for a determination process in relation to, for example, an individual convicted of child rape in 1980 who applies to join the scheme. It is also intended that the order cover any contemporary conviction for such serious offences (whether or not individual is a scheme member).
42. **Section 14(4)** puts beyond doubt that an individual may be listed automatically following conviction for an offence elsewhere in the UK or as a result of them having been made subject to an order of a specified description imposing requirements about an individual's conduct.