

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Part 2: Vetting and Disclosure

Section 70. Fees

124. This section provides the Scottish Ministers with a flexible power to charge fees in respect of the scheme. The Scottish Ministers could charge different levels of fee for: joining the scheme; scheme records; short scheme records; and statements of scheme membership. Different levels of fee could be charged for the children's workforce, the adults' workforce and applications in respect of both workforces. Fees can be charged as application fees or as an annual subscription. The power at subsection (2)(a) puts it beyond doubt that the Scottish Ministers have the power to charge different fees in different circumstances, for example to offer some types of disclosure record at a discount if the scheme member has already paid for disclosure before. The power at subsection (2)(c) can be used to provide free checks for volunteers in voluntary organisations (or for the fee to be charged and then explicitly reimbursed). Section 70(4) allows the Vetting and Disclosure Unit to refuse to deal with applications unless and until the fee is paid.
125. The Scottish Ministers could, for example, make regulations distinguishing two levels of fee to be payable only when requesting a disclosure record (not for scheme membership itself). A higher level of fee could be charged for any scheme record and any statement of scheme membership issued on joining the scheme. Short scheme records and subsequent statements of scheme membership could attract a lower level of fee. Scheme membership might expire 10 years after the later of (a) joining the scheme or (b) the last scheme record disclosure.
126. [Section 70\(3\)](#) requires the Scottish Ministers to have regard to a number of factors before prescribing fees. For example, Ministers should consider the ability of those undertaking regulated work to pay the different levels of fee when determining the different levels of fee. "Vetting, barring and disclosure functions" are defined at [section 97\(4\)](#) and encompass *all* the activities of both the Vetting and Disclosure Unit and the Central Barring Unit, i.e. including basic, standard and enhanced disclosures as well as disclosure records under this Act.