



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 1

THE LISTS

Offences relating to regulated work

34 Barred individuals not to do regulated work

- (1) It is an offence for an individual to do, or to seek or agree to do, any regulated work from which the individual is barred.
- (2) It is a defence for an individual charged with an offence under subsection (1) to prove that the individual did not know, and could not reasonably be expected to have known—
 - (a) that the individual was barred from that regulated work, or
 - (b) that the work concerned was regulated work.

Commencement Information

II S. 34 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

35 Organisations not to use barred individuals for regulated work

- (1) It is an offence for an organisation to offer regulated work to an individual barred from that work.
- (2) Ministers may, by regulations, prohibit an organisation from permitting an individual to do, or require an organisation to remove an individual from, regulated work from which the individual is barred.
- (3) Regulations may in particular—
 - (a) impose prohibitions or requirements—

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Offences relating to regulated work is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (i) in relation to particular types of organisations only,
 - (ii) in relation to particular kinds of regulated work only, or
 - (b) otherwise limit the purpose for which the prohibition or requirement is to apply (or the area in which it is to apply) in such manner as Ministers think appropriate.
- (4) An organisation which fails to comply with regulations made under subsection (2) commits an offence.
- (5) An organisation commits an offence under subsection (1) if it offers regulated work to a barred individual who is already working for the organisation.
- (6) It is a defence for an organisation charged with an offence under subsection (1) or (4) to prove that it did not know, and could not reasonably be expected to have known, that the individual was barred from doing that regulated work.
- (7) For the purposes of subsection (1), an organisation is not to be treated as having offered regulated work to an individual if the offer is subject to the organisation being satisfied (by virtue of information disclosed under Part 2 or otherwise) that the individual is suitable to do that work.

Commencement Information

- I2** S. 35(1)(4)-(7) in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)
- I3** [S. 35\(2\)\(3\)](#) in force at 18.4.2010 for specified purposes by [S.S.I. 2010/133](#), [art. 2](#), [Sch.](#)
- I4** [S. 35\(2\)\(3\)](#) in force at 28.2.2011 in so far as not already in force by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

36 Personnel suppliers not to supply barred individuals for regulated work

- (1) A personnel supplier commits an offence if it—
- (a) offers or supplies an individual who is barred from doing regulated work to an organisation, and
 - (b) knows or has reason to believe that the organisation will make arrangements for the individual to do regulated work from which the individual is barred.
- (2) It is a defence for a personnel supplier charged with an offence under subsection (1) to prove that it did not know, and could not reasonably be expected to have known, that the individual was barred from doing the regulated work.

Commencement Information

- I5** [S. 36](#) in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

37 Penalties for offences relating to regulated work

A person guilty of an offence under section 34, 35 or 36 is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both,
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Offences relating to regulated work is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I6 S. 37 in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#)

[^{F1}37A Offences outside Scotland

- (1) This section applies where an offence is committed under section 34, 35 or 36 outside Scotland.
- (2) The person committing the offence may be prosecuted, tried and punished for the offence—
 - (a) in a sheriff court district in which the person is apprehended or in custody, or
 - (b) in a sheriff court district determined by the Lord Advocate,as if the offence had been committed in that district.
- (3) The offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district.]

Textual Amendments

F1 S. 37A inserted (10.12.2021) by [Disclosure \(Scotland\) Act 2020 \(asp 13\)](#), [ss. 88\(2\)](#), 97 (with s. 96); [S.S.I. 2021/380](#), [reg. 2](#), [sch.](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 34 cross-heading substituted by [2020 asp 13 sch. 5 para. 10\(21\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6A inserted by [2020 asp 13 s. 80\(2\)](#)
- s. 8(3)(za) inserted by [2020 asp 13 s. 82\(3\)](#)
- s. 10(1)(aa) inserted by [2020 asp 13 s. 80\(3\)](#)
- s. 13A-13C inserted by [2020 asp 13 s. 76\(2\)](#)
- s. 18(5) inserted by [2020 asp 13 sch. 5 para. 5\(2\)\(b\)](#)
- s. 30(3A)-(3C) inserted by [2020 asp 13 s. 77\(3\)](#)
- s. 45A inserted by [2020 asp 13 s. 71](#)
- s. 45B inserted by [2020 asp 13 s. 72](#)
- s. 45C-45G inserted by [2020 asp 13 s. 73\(2\)](#)
- s. 45H inserted by [2020 asp 13 s. 88\(3\)](#)
- s. 46A inserted by [2020 asp 13 s. 79](#)
- s. 49(3) inserted by [2020 asp 13 sch. 5 para. 5\(3\)\(c\)](#)
- s. 70(2)(d) inserted by [2020 asp 13 sch. 5 para. 10\(41\)\(b\)](#)
- s. 77(1A) inserted by [2020 asp 13 sch. 5 para. 10\(46\)\(b\)](#)
- s. 94(2A)(2B) inserted by [2020 asp 13 s. 75\(3\)](#)