



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 2

VETTING AND DISCLOSURE

Removal from scheme

58 Removal from scheme

- (1) Ministers must remove a scheme member from the Scheme in relation to a type of regulated work if they—
- (a) bar the member from doing that work by listing the member, or
 - (b) become aware that the member has otherwise been barred from doing that work.
- (2) Ministers may remove from the Scheme any scheme member who fails to pay any fee for participation in the Scheme which is prescribed under section 70.

Modifications etc. (not altering text)

- C1** Pt. 2 modified (28.2.2011) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2660\)](#), arts. 1, **22**
- C2** Pt. 2 modified (28.2.2011) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2660\)](#), arts. 1, **21**

Commencement Information

- I1** [S. 58](#) in force at 28.2.2011 by [S.S.I. 2011/157](#), art. **2(a)**

59 Withdrawal from scheme

Ministers must remove a scheme member from the Scheme in relation to a type of regulated work if—

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Removal from scheme is up to date with all changes known to be in force on or before 25 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

- (a) the scheme member applies to be so removed, and
- (b) they are satisfied that the scheme member is not doing that type of regulated work.

Commencement Information

I2 S. 59 in force at 28.2.2011 by S.S.I. 2011/157, art. 2(a)

[^{F1}59A Withdrawal from Scheme when under consideration for listing

- (1) Where—
 - (a) Ministers remove an individual who is a scheme member from the Scheme under section 59, and
 - (b) at the time of the removal, they are considering whether to list the individual by virtue of sections 10 to 13 or section 45B(7),
 they may decide not to continue to consider whether to list the individual.
- (2) Where Ministers decide under subsection (1) not to continue to consider whether to list an individual, that decision is not to be treated as a decision not to list the individual after considering whether to do so for the purposes of subsection (3C) or (4) of section 30 (and accordingly no notice of the decision under subsection (1) is to be given under either of those subsections of that section).]

Textual Amendments

F1 S. 59A inserted (10.12.2021) by Disclosure (Scotland) Act 2020 (asp 13), ss. 78(2), 97 (with s. 96); S.S.I. 2021/380, reg. 2, sch. (with reg. 3)

60 Notice of removal

- (1) Ministers must give notice confirming that they have removed an individual from the Scheme under section 58 or 59 to—
 - (a) the individual, and
 - (b) any other person whom they think fit.
- (2) A notice under subsection (1) must—
 - (a) state the type of regulated work in relation to which the individual has been removed, and
 - (b) say why the individual has been removed.

[^{F2}(2A) Where Ministers decide under section 59A(1) not to continue to consider whether to list the individual a notice under subsection (1) must also give notice of that fact.]

- (3) A notice under subsection (1)(b) need not comply with subsection (2)(b) if Ministers think that it would be inappropriate for the recipient to be informed of the reason for removal.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Removal from scheme is up to date with all changes known to be in force on or before 25 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](#)

Textual Amendments

- F2** S. 60(2A) inserted (10.12.2021) by [Disclosure \(Scotland\) Act 2020 \(asp 13\)](#), **ss. 78(3)**, 97 (with s. 96); [S.S.I. 2021/380, reg. 2, sch.](#) (with reg. 3)
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Commencement Information

- I3** S. 60 in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(a)**

61 Retention of scheme records after removal

- (1) Ministers may keep the scheme record of an individual removed from the Scheme and may continue to use that record for the purposes of enabling or assisting them to perform their functions under this Act.
- (2) Subsection (1) does not—
 - (a) entitle Ministers to continue to make enquires in relation to the individual in pursuance of section 47(2), or
 - (b) require Ministers to otherwise ensure that the retained scheme record is updated.
- [^{F3}(3) Where Ministers decide under section 59A(1) not to continue to consider whether to list an individual, Ministers may keep any information received by them when considering whether to list the individual for the purposes of enabling or assisting them to perform their functions under this Act.]

Textual Amendments

- F3** S. 61(3) inserted (10.12.2021) by [Disclosure \(Scotland\) Act 2020 \(asp 13\)](#), **ss. 87**, 97 (with s. 96); [S.S.I. 2021/380, reg. 2, sch.](#)
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Commencement Information

- I4** S. 61 in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(a)**

Changes to legislation:

Protection of Vulnerable Groups (Scotland) Act 2007, Cross Heading: Removal from scheme is up to date with all changes known to be in force on or before 25 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.

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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\(3\)](#)