



# Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

## PART 3

### AMENDMENT OF PART 5 OF THE POLICE ACT 1997

#### 78 Information in criminal conviction and record certificates

- (1) In section 112(2) of the 1997 Act, for the words from “or” immediately following paragraph (a) to the end of paragraph (b) substitute “(or states that there is no such conviction); and
  - (b) if the applicant is subject to notification requirements under Part 2 of the Sexual Offences Act 2003 (c. 42), states that fact.”.
- (2) Section 113A of the 1997 Act is amended as follows—
  - (a) in subsection (3), for the words from “or” immediately following paragraph (a) to the end of paragraph (b) substitute “(or states that there is no such matter); and
    - (b) if the applicant is subject to notification requirements under Part 2 of the Sexual Offences Act 2003 (c. 42), states that fact.”,
  - (b) in the definition of “central records” in subsection (6), for “and cautions” substitute “ , cautions or other information ”,
  - (c) in the definition of “relevant matter” in that subsection, the word “and” immediately following paragraph (a) is repealed,
  - (d) at the end of paragraph (b) of that definition, insert “and
    - (c) a prescribed court order.”.
- (3) In section 119(1) of the 1997 Act, for “or cautions” substitute “ , cautions or other information ”.
- (4) In section 119A of the 1997 Act—
  - (a) in subsection (1), after “convictions” insert “ or other information ”,
  - (b) in subsection (2), for “or cautions” substitute “ , cautions or other information ”.

*Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Part 3 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

**I1** S. 78(2)-(4) in force at 28.2.2011 by [S.S.I. 2011/157](#), [art. 2\(a\)](#) (with [art. 3](#))

## 79 Form of Part 5 applications

(1) In each of the following provisions of the 1997 Act, the words “in the prescribed manner and form” are repealed—

section 112(1)(a)

section 113A(1)(a)

section 113B(1)(a)

section 114(1)(a)

section 116(1)(a)

(2) In sections 117(1) and 120(2) of the 1997 Act, the words “in writing” are repealed.

(3) After section 125 of the 1997 Act insert—

#### “125A Form of applications

(1) It is for the Scottish Ministers to determine the form and manner in which applications must be made for the purposes of sections 112(1)(a), 113A(1)(a), 113B(1)(a), 114(1)(a), 116(1)(a), 117(1), and 120(2).

(2) The Scottish Ministers may, in particular, determine that such applications may be made in electronic form (and may be signed or countersigned electronically).

(3) The Scottish Ministers need not consider any such application unless it is made in the form and manner determined by them (or in a form and manner as close to that as circumstances permit).”

#### Commencement Information

**I2** S. 79 in force at 11.1.2008 by [S.S.I. 2007/564](#), [art. 2](#), [Sch.](#)

## 80 Payment of fee for information from certain police forces

In section 113B of the 1997 Act, after subsection (5) insert—

“(5A) The Scottish Ministers must pay to such body as may be prescribed such fee as they think appropriate for information received from the chief officer of a body mentioned in subsection (10)(j) to (m) as a result of a request under subsection (4) or (5).”

#### Commencement Information

**I3** S. 80 in force at 11.1.2008 by [S.S.I. 2007/564](#), [art. 2](#), [Sch.](#)

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## **81 Regulations about registration**

- (1) Section 120 of the 1997 Act is amended as follows—
- (a) in subsection (2), for “section 120A and regulations under subsection (3)” substitute “ sections 120ZB and 120A ”,
  - (b) subsection (3) is repealed.
- (2) Before section 120A of the 1997 Act insert—

### **“120ZB Regulations about registration**

- (1) The Scottish Ministers may by regulations make further provision about registration.
- (2) Regulations under this section may in particular make provision for—
- (a) the payment of fees;
  - (b) the information to be included in the register;
  - (c) the registration of any person to be subject to conditions;
  - (d) the nomination by—
    - (i) a body corporate or unincorporated; or
    - (ii) a person appointed to an office by virtue of an enactment, whether that body or person is registered or applying to be registered,of an individual to act for the body or, as the case may be, person in relation to disclosure applications;
  - (e) the refusal by the Scottish Ministers, on such grounds as may be specified in or determined under the regulations, to accept or to continue to accept any nomination made by virtue of this section;
  - (f) the refusal by the Scottish Ministers to include persons who, in the opinion of the Scottish Ministers, are likely to act in relation to fewer disclosure applications in any period of 12 months than a minimum number specified in the regulations;
  - (g) the removal from the register of persons who have, in any period of 12 months during which they were registered, acted in relation to fewer disclosure applications than the minimum number specified under paragraph (f);
  - (h) the removal from the register of persons who are, in the opinion of the Scottish Ministers, no longer likely to wish to act in relation to disclosure applications;
  - (i) the removal from the register of any person who has breached any condition of the person's registration; and
  - (j) the period which must elapse before any person refused registration or removed from the register may apply to be included in the register.
- (3) The provision which may be made by virtue of subsection (2)(c) includes provision—
- (a) for the registration or continued registration of any person to be subject to prescribed conditions or, if the regulations so provide, such conditions as the Scottish Ministers think fit; and
  - (b) for the Scottish Ministers to vary or revoke those conditions.

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- (4) In subsection (2), references to acting in relation to disclosure applications are to be read as references to—
- (a) countersigning applications under section 113A or 113B; or
  - (b) making declarations in relation to requests for disclosures under section 52 or 53 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).”.
- (3) Section 124A of the 1997 Act is amended as follows—
- (a) in subsection (1), for “section 120(3)(b)” substitute “ section 120ZB(2)(h) ”, and
  - (b) in subsection (3), for “section 120(3)(ac)” substitute “ section 120ZB(2)(j) ”.

#### Commencement Information

- I4** S. 81(1)(3) in force at 28.2.2011 by S.S.I. 2011/157, **art. 2(a)** (with **art. 4**)  
**I5** S. 81(2) in force at 12.10.2010 by S.S.I. 2010/344, **art. 2(a)(iv)**

**Changes to legislation:**

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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\(3\)](#)