



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 1

THE LISTS

Information relevant to listing decisions

17 Information relevant to listing decisions

- (1) Ministers must, before making a decision under section 15 or 16—
 - (a) give the individual whom they are considering whether to list an opportunity to make representations as to why the individual should not be listed, and
 - (b) consider any such representations.
- (2) Ministers may, when deciding whether to list an individual, also consider—
 - (a) any information which caused them to consider listing the individual,
 - (b) any information relating to the individual which they obtain—
 - (i) in pursuance of a requirement made under any of sections 18 to 20, or
 - (ii) by performing their functions in relation to the Scheme, and
 - (c) any other information which they think relevant.
- (3) An individual who is given an opportunity to make representations under subsection (1) must be given the opportunity to make representations in relation to all of the information on which Ministers intend to rely in deciding whether to list the individual.
- (4) The opportunity to make representations under subsection (1) does not include the opportunity to make representations that any relevant finding of fact was wrongly made.
- (5) A “relevant finding of fact” is a finding of fact—
 - (a) made in legal proceedings,
 - (b) made in a relevant inquiry report (other than a report relating to an inquiry of the type mentioned in sub-paragraph (ii) of section 31(2)(a)),

Status: This is the original version (as it was originally enacted).

- (c) made in proceedings before one of the following bodies or any of its committees—
 - (i) the Council of the Pharmaceutical Society of Great Britain,
 - (ii) the General Chiropractic Council,
 - (iii) the General Dental Council,
 - (iv) the General Medical Council,
 - (v) the General Optical Council,
 - (vi) the General Osteopathic Council,
 - (vii) the General Teaching Council for Scotland,
 - (viii) the Health Professions Council,
 - (ix) the Nursing and Midwifery Council,
 - (x) the Scottish Commission for the Regulation of Care,
 - (xi) the Scottish Social Services Council, or
 - (d) made by any other person, or in any other circumstance, specified by order made by Ministers.
- (6) Subsections (1) and (3) do not apply if Ministers do not know and cannot reasonably ascertain the individual's whereabouts.