



# Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

## PART 2

### VETTING AND DISCLOSURE

#### *Supplementary*

#### 75 Sources of information

- (1) Any person who holds records of convictions, cautions or other information for the use of police forces generally must make those records available to Ministers for the purposes of enabling or assisting them to perform their functions under this Part.
- (2) [<sup>F1</sup> The chief constable] must, as soon as practicable, comply with a request by Ministers to provide them with information of the type described in section 49(1)(c) for the purposes of enabling or assisting them to perform their functions under this Part.
- [<sup>F2</sup>(2A) But the chief constable may provide information under subsection (2) relating to a time when the scheme member was under 12 years of age only where—
  - (a) the independent reviewer determines, on a review under section 18 of the Age of Criminal Responsibility (Scotland) Act 2019, that the information ought to be included in the scheme member's scheme record and—
    - (i) no appeal under section 20 of that Act is taken, or
    - (ii) such an appeal having been taken, the sheriff confirms the determination under section 20(3)(a), or
  - (b) the sheriff, on an appeal under section 20, determines under section 20(3)(b) that the information ought to be included in the scheme member's scheme record.]
- (3) [<sup>F3</sup>The chief constable] must not provide information to Ministers under subsection (2) if the [<sup>F4</sup> chief constable ] thinks that disclosing that information to the individual to whom it relates would be contrary to the interests of the prevention or detection of crime.

**Changes to legislation:** Protection of Vulnerable Groups (Scotland) Act 2007, Section 75 is up to date with all changes known to be in force on or before 24 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

- (4) Ministers must pay the [<sup>F5</sup> Scottish Police Authority ] such fee as Ministers think appropriate for information provided under subsection (2).
- (5) No proceedings are competent against Ministers by reason of an inaccuracy in the information made available or provided to them in accordance with this section or section 63(4) [<sup>F6</sup> (or in pursuance of any other power or duty to provide information to Ministers in relation to their functions under this Part)].
- [<sup>F7</sup>(6) In this section, “independent reviewer” means the independent reviewer appointed under section 12 of the Age of Criminal Responsibility (Scotland) Act 2019.]

#### Textual Amendments

- F1** Words in s. 75(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 36\(4\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** S. 75(2A) inserted (30.11.2020) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), [ss. 10\(4\)\(a\)](#), 84(2); S.S.I. 2020/369, reg. 2, sch.
- F3** Words in s. 75(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 36\(4\)\(b\)\(i\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Words in s. 75(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 36\(4\)\(b\)\(ii\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** Words in s. 75(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 36\(4\)\(c\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F6** Words in s. 75(5) inserted (18.4.2010 for specified purposes, coming into force in accordance with art. 1(2)) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Miscellaneous Provisions\) Order 2010 \(S.S.I. 2010/446\)](#), arts. 1(2), [10\(5\)](#)
- F7** S. 75(6) inserted (30.11.2020) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), [ss. 10\(4\)\(b\)](#), 84(2); S.S.I. 2020/369, reg. 2, sch.

#### 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. 75 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, Section 75 is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

**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\(3\)](#)