



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 2

VETTING AND DISCLOSURE

Supplementary

77 **Statements of scheme membership: disclosure of whether individual under consideration for listing**

- (1) Despite section 46(2)(c), a statement of scheme membership must not disclose whether Ministers are considering whether to list an individual if Ministers have not made a decision under section 15 or, as the case may be, 16 within the relevant period.
- (2) The relevant period is—
 - (a) where the information which caused Ministers to consider whether to list the individual is the subject of legal or disciplinary proceedings, the period of 6 months which begins on the date on which the proceedings are finally determined,
 - (b) in any other case, the period of 6 months which begins on the date on which Ministers made a decision under section 10, 11, 12 or 13 to consider whether to list the individual, or
 - (c) where either of the periods mentioned in paragraphs (a) and (b) is extended under subsection (3), the extended period.
- (3) The sheriff may, on an application by Ministers and on cause shown, extend the period mentioned in paragraph (a) or (b) of subsection (2) (or, as the case may be, that period as previously extended under this subsection).
- (4) A period may not be extended (or further extended) under subsection (3) for a period of longer than 6 months beginning with the date on which the extension (or further extension) is granted.
- (5) An application under subsection (3) must be made before the expiry of the relevant period.

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Section 77 is up to date with all changes known to be in force on or before 28 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](#)

- (6) Where an application under subsection (3) is made, the relevant period is to be treated for the purposes of subsection (1) as not having expired until the application is determined.
- (7) The sheriff may, on cause shown, dispense with any requirement—
- (a) to intimate an application under subsection (3) to the individual,
 - (b) to notify the individual of any interlocutor relating to the application.
- (8) For the purposes of subsection (5), an application is made when it is lodged with the sheriff clerk.
- (9) Any court proceedings under subsection (3) may take place in private if the sheriff considers it appropriate in all the circumstances.
- (10) For the purposes of subsection (2)(a), proceedings are finally determined when—
- (a) the proceedings are terminated or abandoned without a decision being made,
 - (b) a decision is made against which no appeal lies, or
 - (c) where a decision is made which may be appealed, the period during which an appeal (other than an appeal which need not be timeous) may be brought expires without an appeal being brought.
- (11) For the purposes of subsection (10), an appeal which need not be timeous is—
- (a) an appeal under Part 8 (appeals from solemn proceedings) of the 1995 Act in relation to which the High Court must, if the appeal is to be competent, extend the time within which intimation of intention to appeal or note of appeal or both may be given,
 - (b) an appeal under Part 10 (appeals from summary proceedings) of the 1995 Act in relation to which the High Court must, if the appeal is to be competent, extend the time within which an application for a stated case may be made, or
 - (c) an appeal under section 191 (appeal by suspension on ground of miscarriage of justice) of the 1995 Act.

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**
- C3** S. 77 modified (28.2.2011) by [The Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Savings and Transitional Provisions\) Order 2010 \(S.S.I. 2010/180\)](#), arts. 1, **7**

Commencement Information

- I1** S. 77 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 77 is up to date with all changes known to be in force on or before 28 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 :

- s. 77 Title substituted by [2020 asp 13 sch. 5 para. 10\(47\)](#)
- s. 77(1) words inserted by [2020 asp 13 sch. 5 para. 10\(46\)\(a\)\(ii\)](#)
- s. 77(1) words substituted by [2020 asp 13 sch. 5 para. 10\(46\)\(a\)\(i\)](#)
- s. 77(2)(b) words substituted by [2020 asp 13 sch. 5 para. 10\(46\)\(c\)](#)

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\(3\)](#)