



Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

PART 3

AMENDMENT OF PART 5 OF THE POLICE ACT 1997

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 - (b) subsection (3) is repealed.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;

Changes to legislation: Protection of Vulnerable Groups (Scotland) Act 2007, Section 81 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

- (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.
- (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

- I1** S. 81(1)(3) in force at 28.2.2011 by S.S.I. 2011/157, **art. 2(a)** (with art. 4)
- I2** 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\(3\)](#)