
Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Disclosure (Scotland) Act 2020, PART 3. (See end of Document for details)

SCHEDULE 5 CONSEQUENTIAL AND MINOR MODIFICATIONS

PART 3

OTHER CONSEQUENTIAL AND MINOR MODIFICATIONS

Protection of Vulnerable Groups (Scotland) Act 2007

- 12 (1) The PVG Act is amended as follows.
- (2) In section 10(1)(b) (consideration whether to list: organisational referrals etc.), for “Independent Safeguarding Authority” substitute “Disclosure and Barring Service”.
- (3) In section 17(5)(c)(i) (information relevant to listing decisions), for “the Council of the Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.
- (4) In section 19(3) (information held by public bodies etc.), after the entry in the list for Health Boards and Special Health Boards insert— “An integration joint board established by order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014”.
- (5) In section 38(2) (police access to lists), for the words from “purpose of” to the end of that subsection substitute “law enforcement purposes within the meaning of section 31 of the Data Protection Act 2018.”.
- (6) In section 39 (restrictions on listing in children's list)—
- (a) in subsection (2)(a), for “Independent Safeguarding Authority (“ISA”)” substitute “Disclosure and Barring Service (“DBS”)”,
- (b) in each of subsections (4)(b), (5) and (6)(b), for “ISA” substitute “DBS”.
- (7) In section 40 (restrictions on listing in adults' list)—
- (a) in subsection (2)(a), for “Independent Safeguarding Authority (“ISA”)” substitute “Disclosure and Barring Service (“DBS”)”,
- (b) in each of subsections (4)(b), (5) and (6)(b), for “ISA” substitute “DBS”.
- (8) In section 76(2) (police access to scheme information), for the words from “the purpose” to the end of that subsection insert “—
- (a) the performance of the chief constable's functions under this Part, or
- (b) the law enforcement purposes within the meaning of section 31 of the Data Protection Act 2018”.
- (9) In section 96 (fostering)—
- (a) in subsection (1)(a) the words “(“the 1995 Act”)” are repealed,
- (b) in each of subsections (1)(b) and (2)(a) for “1995 Act” substitute “Children (Scotland) Act 1995”,
- (c) in subsection (8), in the definition of “parental responsibilities” and “parental rights”, for “1995 Act” substitute “Children (Scotland) Act 1995”.
- (10) In section 97(1) (general interpretation)—
- (a) after the definition of “disciplinary proceedings”, insert—

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““Disclosure and Barring Service” and “DBS” mean the body established by section 87(1) of the Protection of Freedoms Act 2012,”,

- (b) the definition of “Independent Safeguarding Authority” (and “ISA”) is repealed,
- (c) for the definition of “police force” substitute—

““police force” has the same meaning as in section 69 of the Disclosure (Scotland) Act 2020,”

- (11) In schedule 5 (index)—
 - (a) at the appropriate place insert—

“Disclosure and Barring Service, DBS section 97(1)”,

- (b) the entry relating to “Independent Safeguarding Authority, ISA” is repealed.

Commencement Information

II Sch. 5 para. 12 in force at 10.12.2021 by S.S.I. 2021/380, reg. 2, sch.

PROSPECTIVE

Children's Hearings (Scotland) Act 2011

- 13 In the Children's Hearings (Scotland) Act 2011, the following provisions are repealed—
 - (a) section 187 (Rehabilitation of Offenders Act 1974: treatment of certain disposals by children's hearings),
 - (b) section 188 (criminal record certificates).

Status:

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Changes to legislation:

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