
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 446

**The Protection of Vulnerable Groups (Scotland)
Act 2007 (Miscellaneous Provisions) Order 2010**

PART 2

Amendment of the 2007 Act

Amendment of section 39 (restrictions on listing in children's list) of the 2007 Act

- 7.—(1) Section 39 (restrictions on listing in children's list) of the 2007 Act is amended as follows.
- (2) In subsection (1), the words from “by” to the end of the subsection are repealed.
- (3) In subsection (2)(a), for “considered” substitute “dealt with”.
- (4) In subsection (3)—
- (a) for paragraph (a) substitute—
 - “(a) the individual's case has been dealt with in pursuance of relevant corresponding legislation, and”; and
 - (b) in paragraph (b), for “by ISA before it made its decision” substitute “before, or when, the individual's case was last dealt with in pursuance of the relevant corresponding legislation”.
 - (5) In subsection (4)(b), for “considers” substitute “deals with”.
 - (6) In subsection (5)—
 - (a) after “if” insert “they consider that it would be more appropriate for the individual's case to be dealt with by ISA.”; and
 - (b) paragraphs (a) and (b) are repealed.
 - (7) After subsection (5) insert—
 - “(6) Where—
 - (a) in pursuance of subsection (5), Ministers do not list an individual in the children's list under section 14, and
 - (b) ISA deals with the individual's case,section 30 applies (with any necessary modifications) as if Ministers had listed the individual in the children's list under section 14.
 - (7) In this section “relevant corresponding legislation” means—
 - (a) the Protection of Children Act 1999 (c.14),
 - (b) the Criminal Justice and Court Services Act 2000 (c.43),
 - (c) sections 142 to 144 of the Education Act 2002 (c.32),
 - (d) the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003,
 - (e) the Safeguarding Vulnerable Groups Act 2006 (c.47),

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) regulations made under Article 70(1) and (2)(e) or 88A(1) and (2)(b) of the Education and Libraries (Northern Ireland) Order 1986,
- (g) the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.”.