SCOTTISH STATUTORY INSTRUMENTS

2024 No. 316

PROTECTION OF VULNERABLE GROUPS

The Consideration of Suitability for Regulated Roles (Prescribed Purposes) (Scotland) Regulations 2024

Made - - - - 31st October 2024

Laid before the Scottish Parliament 4th November 2024

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 68(c) of the Disclosure (Scotland) Act 2020(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Consideration of Suitability for Regulated Roles (Prescribed Purposes) (Scotland) Regulations 2024 and come into force on the same day as section 68 of the Disclosure Act.

Interpretation

2. In these Regulations—

"the 1978 Act" means the National Health Service (Scotland) Act 1978(**b**),

"the 2001 Act" means the Regulation of Care (Scotland) Act 2001(**c**),

"the 2011 Order" means the Public Services Reform (General Teaching Council for Scotland) Order 2011(**d**),

"the Disclosure Act" means the Disclosure (Scotland) Act 2020,

"the GTCS" means the body corporate known as the General Teaching Council for Scotland, as referred to in article 4 of the 2011 Order,

"independent health care service" has the meaning given in section 10F(1) of the 1978 Act(**e**),

"Scottish Social Services Council" means the body corporate constituted in accordance with section 43 of the 2001 Act.

(**a**) 2020 asp 13. Section 69 contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.
(**b**) 1978 c. 29.
(**c**) 2001 asp 8.
(**d**) S.S.I. 2011/215.
(**e**) Section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8) and was amended by S.S.I. 2016/148 and S.S.I. 2017/67.

Consideration of suitability: prescribed purposes

3. The following purposes are prescribed under section 68(c) of the Disclosure Act—

(a) to be a foster carer (for the purposes of regulations made under section 5(2) (powers of Secretary of State) of the Social Work (Scotland) Act 1968(**a**)),

(b) to provide an independent health care service (for the purposes of Part I (organisation) of the 1978 Act(**b**)),

(c) to be included in any list prepared by virtue of regulations made under section 17P (persons performing primary medical services) or for the purposes of Part II (provision of services) of the 1978 Act(**c**) where that individual is—

(i) a dental practitioner undertaking to provide or assisting with the provision of general dental services,

(ii) a medical practitioner or optometrist undertaking to provide or assisting with the provision of general ophthalmic services,

(iii) a person undertaking to provide pharmaceutical services, or

(iv) a person performing a primary medical service,

(d) to be registered under Part 3 (the Council) of the 2001 Act,

(e) to be appointed as a member or convenor—

(i) of the Scottish Social Services Council appointed by the Scottish Ministers under paragraph 2 of schedule 2 (membership) of the 2001 Act, or

(ii) of a committee appointed by the Scottish Social Services Council or of a sub-committee appointed by such a committee under regulation 8(1) or (2) (appointment of committees and sub-committees) of the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001(**d**), which is concerned with the registration or conduct of social workers or social service workers,

(f) to provide or manage a care service (for the purposes of Part 5 (social care and social work: scrutiny and improvement) of the Public Services Reform (Scotland) Act 2010(**e**)),

(g) to be a teacher (for the purposes of registration under the 2011 Order),

(h) to be elected, nominated or appointed as a member of the GTCS in accordance with schedule 2 (GTCS membership) of the 2011 Order,

(i) to be appointed to a committee of the GTCS, or to a sub-committee appointed by such committee, under paragraph 3 of schedule 3 (committees) of the 2011 Order if the GTCS has delegated or intends to delegate any of its functions concerning fitness to teach to the committee or sub-committee under paragraph 11(b) of schedule 3 (delegation of the GTCS's functions) of the 2011 Order.

NATALIE DON-INNES
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
31st October 2024

(**a**) 1968 c. 49. Section 5(2) was amended by paragraph 49 of schedule 3 of the Children Act 1975 (c. 72), paragraph 76(3) of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c. 39), paragraph 15(4) of schedule 4 of the Children (Scotland) Act 1995 (asp 36), paragraph 2(2) of schedule 2 of the Adoption and Children (Scotland) Act 2007 (asp 4) and S.S.I. 2013/211.

(**b**) Section 10Z18 of the National Health Service (Scotland) Act 1978 defines "provide", in relation to an independent health care service, as meaning to carry on or manage such a service and related expressions, such as provision, are to be construed accordingly.

(**c**) Section 17P was inserted by section 5(2) of the Primary Medical Services (Scotland) Act 2004 (asp 1).

(**d**) S.S.I. 2001/303, to which there are amendments not relevant to these Regulations.

(**e**) 2010 asp 8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 68 of the Disclosure (Scotland) Act 2020 ("the Disclosure Act") explains what is meant by the references in sections 17(1)(b) and 44(2) of the Disclosure Act to a person ("A") considering an individual's suitability to carry out, or to be offered or supplied for, a type of regulated role when the individual is a member of the PVG Scheme. Section 68 provides that these are references to A considering the individual's suitability to carry out that type of regulated role for A, to be supplied by A to carry out that type of regulated role for another person, or for any other prescribed purpose.

These Regulations prescribe other purposes to which those references to A in sections 17(1)(b) and 44(2) are to apply.

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