SCOTTISH STATUTORY INSTRUMENTS

2024 No. 242 (C. 20)

PROTECTION OF VULNERABLE GROUPS

The Disclosure (Scotland) Act 2020 (Commencement No. 3) Regulations 2024

Made - - - -	*10th September 2024*
Laid before the Scottish Parliament	*12th September 2024*
Coming into force - -	*30th September 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 97(2) and (3)(b) of the Disclosure (Scotland) Act 2020(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disclosure (Scotland) Act 2020 (Commencement No. 3) Regulations 2024 and come into force on 30 September 2024.

(2) In these Regulations—

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

"the PVG Act" means the Protection of Vulnerable Groups (Scotland) Act 2007(**b**).

Appointed day

2.—(1) 30 September 2024 is the day appointed for the coming into force of the provisions of the Disclosure Act specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of that table).

(2) If a purpose is specified in column 3 of the table in relation to any provision specified in column 1, that provision comes into force on 30 September 2024 for that purpose only.

NATALIE DON-INNES
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
10th September 2024

(**a**) 2020 asp 13.
(**b**) 2007 asp 14.

SCHEDULE

Regulation 2

Provisions of the Disclosure Act coming into force on 30 September 2024.

Column 1	*Column 2*	*Column 3*
Provision of the Disclosure Act	***Subject matter***	***Purpose***
Section 1	Level 1 disclosure	Only insofar as necessary to enable the Scottish Ministers to prescribe details under section 1(a) of the Disclosure Act.
Section 4	Provision of Level 1 disclosure to third parties	Only insofar as necessary to enable the Scottish Ministers to prescribe the period under section 4(1) of the Disclosure Act.
Section 5	Level 1 disclosure: application for review	Only insofar as necessary to enable the Scottish Ministers to prescribe the period under section 5(1) of the Disclosure Act.
Section 8	Level 2 disclosure	Only insofar as necessary to enable the Scottish Ministers to prescribe details under section 8(1)(a) of the Disclosure Act.
Section 9	Non-disclosable convictions	Only insofar as necessary to enable the Scottish Ministers to make regulations under section 9(3) of the Disclosure Act.
Section 15	Provision of relevant overseas police information	Only insofar as necessary to enable the Scottish Ministers to— (a) make regulations under section 15(5) of the Disclosure Act, (b) prescribe the meaning of "relevant overseas police force" under section 15(6) of the Disclosure Act for the purposes of that section.
Section 16	Further information for certain purposes: non-PVG scheme members	Only insofar as necessary to enable the Scottish Ministers to— (a) prescribe purposes under section 16(1)(b) of the Disclosure Act, (b) prescribe details under section

		16(4)(a)(ii) and 16(4)(b)(ii) of the Disclosure Act, (c) prescribe civil court orders and the details of those orders under section 16(4)(a)(v) and 16(4)(b)(v) of the Disclosure Act.
Section 17	Further information for certain purposes: PVG Scheme members	Only insofar as necessary to enable the Scottish Ministers to prescribe civil court orders and the details of those orders under section 17(3)(d) of the Disclosure Act.
Section 18	Provision of Level 2 disclosure to accredited bodies	Only insofar as necessary to enable the Scottish Ministers to prescribe the period under section 18(1) of the Disclosure Act.
Section 20	Level 2 disclosure: application for review	Only insofar as necessary to enable the Scottish Ministers to prescribe the period under section 20(1) of the Disclosure Act.
Section 24	Review of relevant Scottish police information by the independent reviewer	Only insofar as necessary to enable Scottish Ministers to prescribe the period under section 24(2) of the Disclosure Act.
Section 26	Review of inclusion of removable convictions by the independent reviewer	Only insofar as necessary to enable the Scottish Ministers to prescribe the period under section 26(2) of the Disclosure Act.
Section 31	Provision of new Level 2 disclosure on conclusion of review proceedings	Only insofar as necessary to enable the Scottish Ministers to make regulations under section 31(6)(a) of the Disclosure Act.
Section 33	Level 2 disclosure: considering relevance and whether to include certain information	Only insofar as necessary to enable the Scottish Ministers to make regulations under section 33(5) of the Disclosure Act.
Section 34	Form and manner of provision of disclosures	
Section 36	Regulations about procedure for disclosure requests	
Section 37	Regulations about review procedure	
Section 38	Power to modify definitions of Level 1 disclosure and Level 2 disclosure	
Section 39	Childhood information: power to modify other enactments	

Section 45	Offences under sections 42 and 44: supplementary provision	Only insofar as necessary to enable the Scottish Ministers to prescribe purposes under section 45(1)(f) and prescribe circumstances under section 45(2)(f) of the Disclosure Act.
Section 49	Suitable persons to have access to disclosure information	Only insofar as necessary to enable the Scottish Minsters to prescribe— (a) the meaning of "relevant police force" under section 49(5) of the Disclosure Act for the purposes of that section, (b) departments or bodies under section 49(7)(c)(iii) of the Disclosure Act.
Section 51	Lead signatories and countersignatories	Only insofar as necessary to enable the Scottish Ministers to prescribe details under section 51(5) of the Disclosure Act.
Section 54	Regulations about registration	
Section 55	Code of practice	
Section 56	Sharing of Level 2 disclosure information by accredited bodies	Only insofar as necessary to enable the Scottish Ministers to make regulations under section 56(5) of the Disclosure Act.
Section 58	Power to use personal data to check identity	Only insofar as necessary to enable the Scottish Ministers to prescribe persons holding data about individuals under section 58(2)(d) of the Disclosure Act.
Section 59	Power to use fingerprints to check identity	Only insofar as necessary to enable the Scottish Ministers to prescribe the manner, persons and places under section 59(1) of the Disclosure Act.
Section 60	Form and manner of applications and notices	
Section 61	Fees	
Section 68	Definition of consideration of suitability	Only insofar as necessary to enable the Scottish Ministers to prescribe a purpose under section 68(c) of the Disclosure Act.
Section 69	Interpretation of Part 1	For all remaining purposes.
Section 73	Compulsory Scheme membership	Only insofar as necessary to enable the Scottish Ministers to make regulations under

		section 45E(1) of the PVG Act (as inserted by section 73(2) of the Disclosure Act).
Section 74(3) and schedule 3	Regulated roles with children	Only in so far as is necessary to enable the Scottish Ministers to— (a) prescribe circumstances under paragraph 2(5) of schedule 2 of the PVG Act (as substituted by schedule 3 of the Disclosure Act), (b) make regulations under paragraph 32 of schedule 2 of the PVG Act (as substituted by schedule 3 of the Disclosure Act), (c) make regulations under paragraph 33 of schedule 2 of the PVG Act (as substituted by schedule 3 of the Disclosure Act).
Section 74(4) and schedule 4	Regulated roles with adults	Only insofar as is necessary to enable the Scottish Ministers to— (a) prescribe circumstances under paragraph 2(5) of schedule 3 of the PVG Act (as substituted by schedule 4 of the Disclosure Act), (b) make regulations under paragraph 25 of schedule 3 of the PVG Act (as substituted by schedule 4 of the Disclosure Act).
Section 75	Meaning of "protected adult"	Only insofar as necessary to enable Scottish Ministers to prescribe— (a) services under section 94(1)(c) of the PVG Act (as substituted by section 75(2) of the Disclosure Act), (b) services and activities

		under section 94(1)(d) of the PVG Act (as substituted by section 75(2) of the Disclosure Act).
Section 80	Reference by chief constable	Only insofar as necessary to enable the Scottish Ministers to prescribe information under section 6A of the PVG Act (as inserted by section 80(2) of the Disclosure Act).
Section 82	Reference by councils or integration joint boards	
Section 86	Confirmation of scheme membership under the PVG Act	Only insofar as necessary to enable the Scottish Ministers to prescribe information under section 46(2)(d) of the PVG Act (as substituted by section 86(2) of the Disclosure Act).
Section 93	Consequential and minor modifications	Only insofar as is necessary to bring into force the provisions of schedule 5 listed below in column 1 of this table (and for the corresponding purposes listed in column 3 of this table).
Paragraph 5 of schedule 5	Modifications of enactments in consequence of Part 1	Only insofar as necessary to enable the Scottish Ministers to— (a) prescribe details under section 18(4)(b) of the PVG Act (as substituted by paragraph 5(2)(a) of schedule 5 of the Disclosure Act), (b) prescribe civil court orders under section 18(5)(c) of the PVG Act (as inserted by paragraph 5(2)(b) of schedule 5 of the Disclosure Act), (c) prescribe details under section 49(1)(a) of the PVG Act (as substituted by paragraph 5(3)(a) of schedule 5 of the Disclosure Act).
Paragraph 10(41) and (43) of schedule 5	Modifications of enactments in consequence of Part 2	Only insofar as necessary to enable the Scottish Ministers to— (a) prescribe fees in accordance with—

(i) section 70(1) of the PVG Act (as amended by paragraph 10(41)(a) of schedule 5 of the Disclosure Act),

(ii) section 70(2) of the PVG Act (as amended by paragraph 10(41)(b) of schedule 5 of the Disclosure Act),

(b) prescribe further procedure in accordance with—

(i) section 72(2)(a) of the PVG Act (as amended by paragraph 10(43)(a) of schedule 5 of the Disclosure Act),

(ii) section 70(2)(d) of the PVG Act (as substituted by paragraph 10(43)(c) of schedule 5 of the Disclosure Act).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring various provisions of the Disclosure (Scotland) Act 2020 ("the Disclosure Act") into force on 30 September 2024.

Regulation 2(1) brings the provisions of the Disclosure Act specified in column 1 of the schedule of the Regulations into force on 30 September 2024. The provisions are brought into force to the extent, or for the purposes, stated in column 3 of the schedule.

The Bill for the Disclosure Act received Royal Assent on 14 July 2020. By virtue of section 97(1) of the Disclosure Act, sections 91 (regulations), 92 (ancillary provisions), 94 (individual culpability where organisation commits offence), 95 (meaning of "the PVG Act"), 96 (Crown application), 97 (commencement) and 98 (short title) came into force the day after Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Disclosure Act have been brought into force by commencement regulations made before the date of these Regulations.

Provision of the Disclosure Act	***Date of Commencement***	***S.S.I. No.***
Section 63 (partially)	10 December 2021	2021/380
Section 69 (partially)	10 December 2021	2021/380
Section 78	10 December 2021	2021/380
Section 83	10 December 2021	2021/380
Section 84	10 December 2021	2021/380
Section 85	10 December 2021	2021/380
Section 87	10 December 2021	2021/380
Section 88(1) and (2)	10 December 2021	2021/380
Section 89 (partially)	10 December 2021	2021/380
Section 89 (for all remaining purposes)	1 April 2023	2023/79
Section 90	10 December 2021	2021/380
Section 93 (partially)	10 December 2021	2021/380
Paragraph 12 of schedule 5	10 December 2021	2021/380

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