Draft Regulations laid before the Scottish Parliament under section 91(3) of the Disclosure (Scotland) Act 2020 (asp 13), for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

PROTECTION OF VULNERABLE GROUPS

The Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025

Made - - - - 2025

Coming into force in accordance with regulation 1(1)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 92(1) and (2) of the Disclosure (Scotland) Act 2020(**a**) and all other powers enabling them to do so.

In accordance with section 91(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025 and come into force on the same day as paragraphs 5 and 10 of schedule 5 of the Disclosure Act.

(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**).

Modifications

2. Schedule 1 modifies enactments in connection with the Disclosure Act.

Revocations

3. The enactments specified in schedule 2 are revoked.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

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

SCHEDULE 1

Regulation 2

Modifications in connection with the Disclosure Act

PART 1

Primary legislation

Rehabilitation of Offenders Act 1974

1.—(1) The Rehabilitation of Offenders Act 1974(**a**) is modified as follows.

(2) In section 3 (special provision with respect to certain disposals by children's hearings)(**b**)—

(a) the existing text becomes subsection (1),

(b) the words from "a ground" to "section 65 or 85 of that Act" become paragraph (a) of that subsection,

(c) after that paragraph, insert—

", or

(b) one or more of the section 67 grounds under the Children's Hearings (Scotland) Act 2011 is that mentioned in section 67(2)(j) of that Act (meaning of "section 67 ground")(**c**) and that ground has either been accepted by the child and, where necessary, by any person who is a relevant person, or has been established to the satisfaction of the sheriff under section 108 or 114 of that Act,",

(d) after subsection (1) (as created by sub-paragraph (a)), insert—

"(2) In subsection (1)(b), "relevant person" has the meaning given in section 200 of the Children's Hearings (Scotland) Act 2011 and includes any individual who is deemed to be a relevant person under section 81(3), or by virtue of an order under section 160(4)(b), of that Act."(**d**).

Protection of Vulnerable Groups (Scotland) Act 2007

2.—(1) The PVG Act is modified as follows.

(2) In section 18 (police information etc.)—

(a) in subsection (4)(b) (inserted by paragraph 5(2)(b) of schedule 5 of the Disclosure Act), after "recorded" insert "in",

(b) in subsection (5) (inserted by paragraph 5(2)(b) of schedule 5 of the Disclosure Act), in the definition of "relevant matter", after paragraph (a), insert—

"(aa) a conviction that is not a non-disclosable children's hearing outcome within the meaning of section 10 of that Act",

(3) In section 30(4) (as amended by paragraph 10(20) of schedule 5 of the Disclosure Act) (notice of listing etc.)—

(**a**) 1974 c. 53.

(**b**) Section 3 was relevantly amended by paragraph 1(5) of schedule 2 of the Management of Offenders (Scotland) Act 2019 (asp 14) and section 4(3) of the Age of Criminal Responsibility (Scotland) Act 2019 (asp 7). Non-textual modifications were also made to section 3 by article 2(3) of S.S.I. 2013/146 for a transitory period until section 187 of the Children's Hearings (Scotland) Act 2011 ("the 2011 Act") came into force (article 1(2) of S.S.I. 2013/146). Paragraph 13 of schedule 5 of the Disclosure (Scotland) Act 2020 repeals section 187 of the 2011 Act.

(**c**) 2011 asp 1. There are amendments to section 67 which are not relevant to these Regulations.

(**d**) There are amendments to section 81 which are not relevant to these Regulations. Section 160(4)(b) was amended by section 26(2) of the Children (Scotland) Act 2020 (asp 16).

(a) in paragraph (b), after "with children" insert "and any personnel supplier whom they know has offered or supplied the scheme member to carry out a regulated role with children",

(b) in paragraph (c), after "with adults", insert "and any personnel supplier whom they know has offered or supplied the scheme member to carry out a regulated role with adults".

(4) Section 47H (offences outside Scotland) (inserted after section 45G of the PVG Act by section 88(3) of the Disclosure Act) is renumbered as section 45H.

(5) In section 49 (vetting information), subsection (1A) (inserted by paragraph 5(3)(b) of schedule 5 of the Disclosure Act) is renumbered as subsection (1B).

(6) In section 75 (sources of information)(**a**), subsections (2A) and (6) are repealed.

(7) In section 94(4) (meaning of "protected adult") (as amended by section 75(5) of the Disclosure Act), for "subsection (1)(c)" substitute "subsection (1)(d)".

Age of Criminal Responsibility (Scotland) Act 2019

3.—(1) The Age of Criminal Responsibility (Scotland) Act 2019(**b**) is modified as follows.

(2) In section 16 (notification to applicant or scheme member)—

(a) in subsection (A1)(**c**), the words "or (A3)" are repealed,

(b) in subsection (A2)(**d**)—

(i) in paragraph (a), for "113B(4) of the 1997 Act" substitute "14(1) of the Disclosure (Scotland) Act 2020",

(ii) in paragraph (c), for "an enhanced criminal record certificate issued under section 113B of that Act" substitute "a Level 2 disclosure within the meaning given in section 8 of that Act",

(c) subsection (A3) is repealed.

(3) In section 18(3)(a)(i) (review of referred information)(**e**), the words "or, as the case may be, (A3)" are repealed.

(4) In section 19(2)(a) (notification of determination)(**f**), the words "or, as the case may be, (A3)" are repealed.

(5) In section 20(1)(b) (appeal against determination under section 18)(**g**), the words "or, as the case may be, (A3)" are repealed.

PART 2

Subordinate legislation made under the PVG Act

The Protection of Vulnerable Groups (Scotland) Act 2007 (Applications for Removal from List and Late Representations) Regulations 2010

4.—(1) The Protection of Vulnerable Groups (Scotland) Act 2007 (Applications for Removal from List and Late Representations) Regulations 2010(**h**) are amended as follows.

(**a**) Section 75 was amended by paragraph 36 of schedule 7 of the Police and Fire Reform (Scotland) Act 2012 (asp 8), section 10(4)(a) and (b) of the Age of Criminal Responsibility (Scotland) Act 2019 (asp 7) and S.S.I. 2010/446.
(**b**) 2019 asp 7.
(**c**) Subsection (A1) was inserted by S.S.I. 2021/476.
(**d**) Subsection (A2) was inserted by S.S.I. 2021/476.
(**e**) Section 18(3)(a)(i) was amended by S.S.I. 2021/476.
(**f**) Section 19(2)(a) was amended by S.S.I. 2021/476.
(**g**) Section 20(1)(b) was amended by S.S.I. 2021/476.
(**h**) S.S.I. 2010/179 as relevantly amended by S.S.I. 2021/379.

(2) In schedule 1 (procedure for determining applications for removal from the list under section 25 of the Act)—

(a) in paragraph 4 (notification of further procedure), in sub-paragraphs (1)(a) and (b), for "work" substitute "carry out a regulated role",

(b) in paragraph 6 (assessment by suitably qualified individuals)—

(i) in the opening words of sub-paragraph (1), for "work" substitute "carry out a regulated role",

(ii) in sub-paragraph (2), for "work" substitute "carry out a regulated role".

(3) In schedule 2 (procedure for late representations under section 28 of the Act)—

(a) in paragraph 4 (notification of further procedure), in sub-paragraphs (1)(a) and (b), for "work" substitute "carry out a regulated role",

(b) in paragraph 6 (assessment by suitably qualified individual)—

(i) in the opening words of sub-paragraph (1), for "work" substitute "carry out a regulated role",

(ii) in sub-paragraph (2), for "work" substitute "carry out a regulated role".

The Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010

5.—(1) The Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010(**a**) are amended as follows.

(2) In schedule 1 (prescribed information for the purposes of sections 3(1) and (2), 4, 5 and 6(2) of the Act)—

(a) for paragraph 5, substitute—

"**5.** Details as to whether the referral is in relation to an individual who is or has been carrying out (or has been offered or supplied to carry out) a regulated role with children, a regulated role with adults, or both.",

(b) in paragraph 7, for "work" substitute "role",

(c) in paragraph 8, for "work done" substitute "role carried out",

(d) in paragraph 11, for "work" substitute "role".

(3) In schedule 2 (prescribed information for the purposes of section 8(1) of the Act)—

(a) for paragraph 5, substitute—

"**5.** Details as to whether the referral is in relation to an individual who is or has been carrying out (or has been offered to carry out) a regulated role with children, a regulated role with adults, or both.",

(b) in paragraph 7, for "work" substitute "role",

(c) in paragraph 8, for "work done" substitute "role carried out",

(d) for paragraph 9(b), substitute—

"(b) details of any previous conduct dealt with by the referring regulatory body, or the organisation for whom the individual is carrying out or has carried out a regulated role, or the personnel supplier which offers or supplies the individual to carry out a regulated role, or any other organisation;",

(e) in paragraph 13—

(i) in sub-paragraph (a), for "doing or has done regulated work" substitute "carrying out, or has carried out, a regulated role",

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(**a**) S.S.I. 2010/181 to which there are amendments not relevant to these Regulations.

(ii) in sub-paragraph (b), for "for regulated work" substitute "to carry out a regulated role".

The Protection of Vulnerable Groups (Scotland) Act 2007 (Consideration for Listing) Regulations 2010

6.—(1) The Protection of Vulnerable Groups (Scotland) Act 2007 (Consideration for Listing) Regulations 2010(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of "individual", in paragraph (a), after "6(2)", insert ", 6A",

(b) in the definition of "referring body", after "6(2)", insert ", 6A".

(3) In the schedule (procedure for consideration under sections 10, 11, 12 or 13 of the Act whether to list)—

(a) in paragraphs 2(a) (notification of case giving rise to consideration for listing) and 5(a) (notification of any further information on which Ministers intend to rely in deciding whether to list the individual), for "6" substitute ", 6A",

(b) in paragraph 16 (notification of further procedure), in sub-paragraphs (1)(a) and (b), for "work" substitute "carry out a regulated role",

(c) in paragraph 17 (report by expert adviser), in sub-paragraph (1)(a)(i), after "6(2)" insert ", 6A",

(d) in paragraph 18 (assessment by suitably qualified individuals)—

(i) in sub-paragraph (1)—

(aa) in the opening words, for "work" substitute "carry out a regulated role",

(bb) in head (a)(i), after "6(2)" insert ", 6A",

(ii) in sub-paragraph (2), for "work" substitute "carry out a regulated role".

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

7. In section 17(1)(b) (provision of scheme information by Ministers to police) of the Protection of Vulnerable Groups (Scotland) Act 2007 (Miscellaneous Provisions) Order 2010(**b**), for "work" substitute "roles".

PART 3

Other subordinate legislation

Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991

8. In rule 8(2)(f) (application for commission as sheriff officer) of the Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991(**c**), for "an enhanced criminal record certificate issued under section 113B of the Police Act 1997", substitute "a Level 2 disclosure provided under 11 of the Disclosure (Scotland) Act 2020"(**d**).

(**a**) S.S.I. 2010/183 as amended by S.S.I. 2010/446 and S.I. 2012/3006.
(**b**) S.S.I. 2010/446 as amended by S.S.I. 2013/2318. There are other amendments not relevant to these Regulations.
(**c**) S.S.I. 1997/1397 as amended by S.S.I. 2017/240.
(**d**) 2020 asp 13.

The Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001

9. In regulation 4(1)(h) (disqualification for appointment) of the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001(**a**), for "work" substitute "a regulated role".

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

10.—(1) The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(**b**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of "barred from regulated work", substitute—

""barred from regulated roles" means barred from regulated roles with children or adults within the meaning of section 92(1) or (2) (individuals barred from regulated roles) of the 2007 Act,",

(b) after the definition of "corresponding decision" insert—

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

(c) after the definition of "health case", insert—

""Level 2 disclosure application" means an application under section 11 of the Disclosure Act,",

(d) after the definition of "provider of primary medical services", insert—

""PVG Scheme Level 2 disclosure" means a Level 2 disclosure (within the meaning given in section 8 of the Disclosure Act) to which section 17 of the Disclosure Act applies,",

(e) in the definition of "scheme member", in each of sub-paragraphs (a) and (b), for the words "regulated work" wherever they appear substitute "a regulated role",

(f) the definitions of the following expressions are omitted—

"disclosure record",

"disclosure request".

(3) In regulation 6 (application for inclusion in the primary medical services performers list and notification of changes)—

(a) in paragraph (1), for "disclosure request and disclosure record" insert "Level 2 disclosure application and PVG Scheme Level 2 disclosure",

(b) in paragraph (3)(d), for "disclosure record" substitute "PVG Scheme Level 2 disclosure".

(4) In regulation 9(1)(f) (removal from primary medical services performers lists), for "work" substitute "roles".

(5) In schedule 1 (Information, declarations, undertakings, consents, disclosure request and disclosure record to be included in an application for inclusion in a primary medical services performers' list), in paragraph 5—

(a) the existing text becomes sub-paragraph (1),

(b) in sub-paragraph (1) (as created by sub-paragraph (a))—

(i) in head (a), for "a disclosure request for any disclosure record" substitute "a Level 2 disclosure application for a PVG Scheme Level 2 disclosure",

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(**a**) S.S.I. 2001/303 as relevantly amended by S.S.I. 2010/379.

(**b**) S.S.I. 2004/114 as relevantly amended by S.S.I. 2005/333, S.S.I. 2006/136, S.S.I. 2007/207, S.S.I. 2007/413, S.S.I. 2008/27, S.S.I. 2011/55, S.S.I. 2011/392, S.S.I. 2013/77, S.S.I. 2018/67, S.S.I. 2018/66 and S.I. 2006/1914, S.I. 2007/3101, S.I. 2010/234, S.I. 2013/235 and S.I. 2023/1071.

(ii) for head (b), substitute—

"(b) where required by the Health Board under that regulation, any existing PVG Level 2 disclosure or scheme record the applicant holds.",

(c) after sub-paragraph (1) (as created by sub-paragraph (a)), insert—

"(2) For the purposes of this paragraph, "scheme record" means a document disclosed by the Scottish Ministers under section 52 of the 2007 Act which—

(a) sets out the type of regulated work (with children or adults) in relation to which the individual is a scheme member,

(b) confirms that the scheme member is not barred from doing that work,

(c) states if the Scottish Ministers are considering whether to list the scheme member, and

(d) contains vetting information about the scheme member which the Scottish Ministers discovered as a result of enquiries or arrangements made under section 47 of the 2007 Act.".

(6) The heading of schedule 1 becomes "Information, declarations, undertakings, consents, Level 2 disclosure application and PVG Scheme Level 2 disclosure to be included in an application for inclusion in a primary medical services performers' list".

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006

11.—(1) The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of "barred from regulated work", substitute—

""barred from regulated roles" means barred from regulated roles with children or adults within the meaning of section 92(1) or (2) (individuals barred from regulated roles) of the 2007 Act,",

(b) after the definition of "director", insert—

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

(c) after the definition of "Goldmann type tonometer", insert—

""Level 2 disclosure" has the meaning given in section 8(1) of the Disclosure Act,

"Level 2 disclosure application" means an application under section 11 of the Disclosure Act,",

(d) after the definition of "professional registration number", insert—

""PVG Scheme Level 2 disclosure" means a Level 2 disclosure to which section 17 of the Disclosure Act applies",

(e) in the definition of "scheme member", in each of sub-paragraphs (a) and (b), for the words "regulated work" wherever they appear substitute "a regulated role",

(f) after the definition of "scheme member", insert—

""scheme record" means a document disclosed by the Scottish Ministers under section 52 of the 2007 Act which—

(a) sets out the type of regulated work (with children or adults) in relation to which the individual is a scheme member,

(b) confirms that the scheme member is not barred from doing that work,

(**a**) S.S.I. 2006/135 as relevantly amended by S.S.I. 2007/193, S.S.I. 2010/86, S.S.I. 2010/378, S.S.I. 2012/36, S.S.I. 2013/177, S.S.I. 2013/355, S.S.I. 2015/219, S.S.I. 2018/212, S.S.I. 2022/169, S.S.I. 2024/38 and S.I. 2007/3101, S.I. 2013/235, S.I. 2019/593 and S.I. 2023/1071.

(c) states if the Scottish Ministers are considering whether to list the scheme member, and

(d) contains vetting information about the scheme member which the Scottish Ministers discovered as a result of enquiries or arrangements made under section 47 of the 2007 Act,",

(g) the definitions of the following expressions are omitted—

"disclosure record",

"disclosure request",

"enhanced criminal record certificate".

(3) In regulation 7 (application for inclusion in ophthalmic list and notification of changes)—

(a) in paragraph (1), in each of sub-paragraphs (d) and (e)—

(i) after "applications for such certificates as the case may be", insert ", Level 2 disclosures",

(ii) for "disclosure requests, disclosure records" substitute "Level 2 disclosure applications, PVG Scheme Level 2 disclosures",

(b) in paragraph (2)—

(i) in sub-paragraph (b), for the words "disclosure requests, disclosure records," wherever they appear substitute "Level 2 disclosure applications, PVG Scheme Level 2 disclosures",

(ii) in sub-paragraph (c)(i), for "disclosure record and disclosure request," substitute "PVG Scheme Level 2 disclosure and Level 2 disclosure application,",

(c) in paragraph (3)—

(i) for sub-paragraph (e), substitute—

"(e) obtain any Level 2 disclosure required in respect of the application if such disclosure was not included with the application, and",

(ii) in sub-paragraph (f), for "disclosure record" substitute "PVG Scheme Level 2 disclosure",

(d) in paragraph (5), for "an enhanced criminal record certificate or disclosure record" substitute "a Level 2 disclosure or PVG Scheme Level 2 disclosure",

(e) in paragraph (8)(a), for ", disclosure requests, disclosure records," substitute ", Level 2 disclosure applications, PVG Scheme Level 2 disclosures,".

(4) In regulation 8 (grounds for refusal of application), in paragraph (1)(k), for "work" substitute "roles".

(5) In regulation 12 (removal from ophthalmic list)—

(a) in sub-paragraph (1)(g), for "work" substitute "roles",

(b) in sub-paragraph (10), for "an enhanced criminal record certificate" substitute "a Level 2 disclosure".

(6) In schedule 2—

(a) in Part A (information, certificates, disclosure requests, disclosure records, consents, declarations and undertakings to be included in an application for inclusion in the first part of the ophthalmic list), in paragraph 3—

(i) in sub-paragraph (a)—

(aa) in head (i), for "disclosure request for any disclosure record" substitute "Level 2 disclosure application for a PVG Scheme Level 2 disclosure",

(bb) for head (ii), substitute—

"(ii) where required by the Board under that regulation, any existing PVG Level 2 disclosure or scheme record the applicant holds,",

(ii) in sub-paragraph (aa)—

(aa) for "an enhanced criminal record certificate", substitute "a Level 2 disclosure",

(bb) for "an application for such certificate", substitute "a Level 2 disclosure application",

(b) the heading of Part A becomes "Information, certificates, Level 2 disclosures, Level 2 disclosure applications, PVG Scheme Level 2 disclosures, consents, declarations and undertakings to be included in an application for inclusion in the first part of the ophthalmic list",

(c) in Part B (information, consents, declarations, certificates, disclosure requests, disclosure records and undertakings to be included in an application for inclusion in the second part of the ophthalmic list), in paragraph 3—

(i) in sub-paragraph (a)—

(aa) in head (i), for "disclosure request for any disclosure record" substitute "a Level 2 disclosure application for a PVG Scheme Level 2 disclosure",

(bb) for head (ii), substitute—

"(ii) where required by the Board under that regulation, any existing PVG Level 2 disclosure or scheme record the applicant holds,"

(ii) in sub-paragraph (aa)—

(aa) for "an enhanced criminal record certificate", substitute "a Level 2 disclosure",

(bb) for "an application for such certificate", substitute "a Level 2 disclosure application",

(d) the heading of Part B becomes "Information, consents, declarations, certificates, Level 2 disclosures, Level 2 disclosure applications, PVG Scheme Level 2 disclosures and undertakings to be included in an application for inclusion in the second part of the ophthalmic list".

The Registration of Independent Schools (Scotland) Regulations 2006

12.—(1) The Registration of Independent Schools (Scotland) Regulations 2006(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) before sub-paragraph (a), insert—

"(za) "a regulated role with children" is to be construed in accordance with section 91(2) of the 2007 Act,",

(b) after sub-paragraph (c), insert—

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

(c) omit sub-paragraphs (da) and (db),

(d) after sub-paragraph (db), insert—

"(dc) "Level 2 disclosure" has the meaning given in section 8 of the Disclosure Act,

(dd) "PVG Scheme Level 2 disclosure" means a Level 2 disclosure to which section 17 of the Disclosure Act applies,",

(e) omit sub-paragraph (f).

(3) In schedule 1 (particulars information – applications for registration and registered schools)—

(a) for paragraph 9(g), substitute—

(**a**) S.S.I. 2006/324 as amended by S.S.I. 2021/251.

"(g) Child Protection Policy and Procedure, including a statement of the school's policy and practice on seeking PVG Scheme Level 2 disclosures, which statement shall also include a statement detailing what checks are made in respect of all persons carrying out or to be carrying out a regulated role;",

(b) in paragraph 10—

(i) in the opening words, for "scheme records issued by the Scottish Ministers under section 52 or section 52 of the 2007 Act" substitute "PVG Scheme Level 2 disclosures",

(ii) in sub-paragraph (c), for "doing or to be doing regulated work" substitute "carrying out or to be carrying out a regulated role".

(4) In paragraph 3 of schedule 2 (particulars information – registered schools)—

(a) in the opening words, for "scheme records issued by the Scottish Ministers under section 52 or 53 of the 2007 Act" substitute "PVG Scheme Level 2 disclosures",

(b) in sub-paragraph (b), for "doing regulated work" substitute "carrying out a regulated role".

The National Health Service (General Dental Services) (Scotland) Regulations 2010

13.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 2010(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of "barred from regulated work", substitute—

""barred from regulated roles" means barred from regulated roles with children or adults within the meaning of section 92(1) or (2) (individuals barred from regulated roles) of the 2007 Act,",

(b) after the definition of "the director", insert—

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

(c) after the definition of "in writing", insert—

""Level 2 disclosure" has the meaning given in section 8 of the Disclosure Act,

"Level 2 disclosure application" means an application under section 11 of the Disclosure Act,",

(d) after the definition of "professional registration number", insert—

""PVG Scheme Level 2 disclosure" means a Level 2 disclosure to which section 17 of the Disclosure Act applies,",

(e) in the definition of "scheme member", in each of sub-paragraphs (a) and (b), for the words "regulated work" wherever they appear substitute "a regulated role",

(f) after the definition of "scheme member", insert—

""scheme record" means a document disclosed by the Scottish Ministers under section 52 of the 2007 Act which—

(a) sets out the type of regulated work (with children or adults) in relation to which the individual is a scheme member,

(b) confirms that the scheme member is not barred from doing that work,

(c) states if the Scottish Ministers are considering whether to list the scheme member, and

(**a**) S.S.I. 2010/208 as relevantly amended by S.S.I. 2010/378, S.S.I. 2013/235, S.S.I. 2017/289, S.S.I. 2019/174, S.S.I. 2022/170, S.S.I. 2023/247 and S.I. 2023/1071.

(**b**) 2020 asp 13.

(d) contains vetting information about the scheme member which the Scottish Ministers discovered as a result of enquiries or arrangements made under section 47 of the 2007 Act,",

(g) the definitions of the following expressions are omitted—

"disclosure record",

"disclosure request",

"enhanced criminal record certificate".

(3) In regulation 5 (application for inclusion in the dental list and notification of changes)—

(a) in paragraph (1)—

(i) in the opening words—

(aa) after "certificate or application", insert "Level 2 disclosure,",

(bb) for "disclosure request and disclosure record" substitute "Level 2 disclosure application and PVG Scheme Level 2 disclosure",

(ii) in each of sub-paragraphs (b) and (c)—

(aa) after "certificate or application" insert "Level 2 disclosure,",

(bb) for "disclosure request and disclosure record" substitute "Level 2 disclosure application and PVG Scheme Level 2 disclosure",

(iii) in sub-paragraph (d), for "disclosure request and disclosure record" substitute "Level 2 disclosure application and PVG Scheme Level 2 disclosure",

(b) in paragraph (3)—

(i) for sub-paragraph (c), substitute—

"(c) obtain any Level 2 disclosure required in respect of the application if such disclosure was not included with the application,",

(ii) in sub-paragraph (f), for "disclosure record" substitute "PVG Scheme Level 2 disclosure",

(c) in paragraph (9), for "an enhanced criminal record certificate or disclosure record", substitute "a Level 2 disclosure or PVG Scheme Level 2 disclosure",

(d) in paragraph (13), for "disclosure request and disclosure record" substitute "Level 2 disclosure application and PVG Scheme Level 2 disclosure".

(4) In regulation 6 (general provision relating to the dental list), in paragraph (5)—

(a) in sub-paragraph (b)—

(i) after the words "certificate or application" wherever they appear, insert "Level 2 disclosure,",

(ii) for the words "disclosure request and disclosure record" wherever they appear, substitute "Level 2 disclosure application and PVG Scheme Level 2 disclosure",

(b) in sub-paragraph (c)(i)—

(i) after "certificate or application", insert "Level 2 disclosure,",

(ii) for "disclosure record and disclosure request" substitute "PVG Scheme Level 2 disclosure and Level 2 disclosure application".

(5) In regulation 7(1)(r) (grounds for refusal of application), for "work" substitute "roles".

(6) In regulation 12(3)(h) (removal from dental list), for "work" substitute "roles".

(7) In schedule 2—

(a) in Part IA (information, declarations, certificate, applications, disclosure requests, disclosure records, undertakings and consents, to be included in an application for inclusion in sub-part A of the first part of the dental list), in paragraph 3—

(i) in sub-paragraph (a)—

(aa) in head (i), for "disclosure request for any disclosure record" substitute "Level 2 disclosure application for a PVG Scheme Level 2 disclosure",

(bb) for head (ii), substitute—

"(ii) where required by the Health Board under that regulation, any existing PVG Level 2 disclosure or scheme record the applicant holds, or",

(ii) in sub-paragraph (b)—

(aa) for "an enhanced criminal record certificate", substitute "a Level 2 disclosure",

(bb) for "an application for such certificate", substitute "a Level 2 disclosure application".

(b) the heading of Part IA becomes "information, declarations, certificate, applications, Level 2 disclosures, Level 2 disclosure applications, PVG Scheme Level 2 disclosures, undertakings and consents, to be included in an application for inclusion in sub-part A of the first part of the dental list".

(c) in Part IB (information, declarations, certificate, applications, disclosure requests, disclosure records, undertakings and, consents to be included in an application for inclusion in sub-part B of the first part of the dental list), in paragraph 3—

(i) in sub-paragraph (a)—

(aa) in head (i), for "disclosure request for any disclosure record" substitute "Level 2 disclosure application for a PVG Scheme Level 2 disclosure",

(bb) for head (ii), substitute—

"(ii) where required by the Health Board under that regulation, any existing PVG Level 2 disclosure or scheme record the applicant holds, or",

(ii) in sub-paragraph (b)—

(aa) for "an enhanced criminal record certificate", substitute "a Level 2 disclosure",

(bb) for "an application for such a certificate", substitute "a Level 2 disclosure application".

(d) the heading of Part IB becomes "information, declarations, certificate, applications, Level 2 disclosure, Level 2 disclosure applications, PVG Scheme Level 2 disclosures, undertakings and, consents to be included in an application for inclusion in sub-part B of the first part of the dental list".

(e) in Part II (information, declarations certificate, disclosure requests, disclosure record, undertakings and consents, to be included in an application for inclusion in the second part of the dental list), in paragraph 3—

(i) in sub-paragraph (a), for "disclosure request for any disclosure record" substitute "Level 2 disclosure application for a PVG Scheme Level 2 disclosure",

(ii) for sub-paragraph (b), substitute—

"(b) where required by the Health Board under that regulation, any existing PVG Level 2 disclosure or scheme record the applicant holds, or",

(f) the heading of Part II becomes "information, declarations certificate, Level 2 disclosure applications, PVG Scheme Level 2 disclosure, undertakings and consents, to be included in an application for inclusion in the second part of the dental list".

The Public Services Reform (General Teaching Council for Scotland) Order 2011

14.—(1) The Public Services Reform (General Teaching Council for Scotland) Order 2011(**a**) is amended as follows.

(**a**) S.S.I. 2011/215 to which there are amendments not relevant to these Regulations.

(2) In article 19 (barred individuals), for "work" substitute "roles".

(3) In article 23 (notices)—

(a) in sub-paragraph (1)(a)(ii), for "work" substitute "roles",

(b) in sub-paragraph (1)(c)(ii), for "work" substitute "roles".

The Debt Arrangement Scheme (Scotland) Regulations 2011

15. In regulation 9(1)(d) (approval of a money adviser) of the Debt Arrangement Scheme (Scotland) Regulations 2011(**a**), for "criminal record certificate under Part 5 of the Police Act 1997" substitute "Level 2 disclosure within the meaning of section 8(1) of the Disclosure (Scotland) Act 2020".

The Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Regulations 2012

16. In regulation 6 (barred persons) of the Children's Hearings (Scotland) (Safeguarders Panel) Regulations 2012(**b**), for "work" substitute "roles".

The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013

17. In rule 90(6)(a) (information to be given to the chief constable and use of that information) of the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013(**c**)—

(a) omit the word "or", in the third place it appears,

(b) after "2007", insert "or the Disclosure (Scotland) Act 2020".

The Enhanced Enforcement Areas Scheme (Scotland) Regulations 2015

18. In regulation 4(2)(a) (additional discretionary powers) of the Enhanced Enforcement Areas Scheme (Scotland) Regulations 2015(**d**), for "an enhanced criminal record certificate (within the meaning of section 113B of the Police Act 1997)" substitute "a Level 2 Disclosure within the meaning of section 8(1) of the Disclosure (Scotland) Act 2020".

The Letting Agent Registration (Scotland) Regulations 2016

19.—(1) In regulation 8 (application for registration: criminal conviction certificate) of the Letting Agent Registration (Scotland) Regulations 2016(**e**), for "criminal conviction certificate (within the meaning of section 112 of the Police Act 1997)" substitute "Level 1 disclosure within the meaning of section 1 of the Disclosure (Scotland) Act 2020".

(2) The title of regulation 8 becomes "Application for registration: Level 1 disclosure".

The Age of Criminal Responsibility (Scotland) Act 2019 (Independent Review of Disclosure of Information) Regulations 2020

20. In regulation 3(3) (notifications to, and representations by, an applicant or scheme member) of the Age of Criminal Responsibility (Scotland) Act 2019 (Independent Review of Disclosure of Information) Regulations 2020(**f**), for "enhanced criminal record certificate, or, as the case may be, scheme record" substitute "Level 2 disclosure".

(**a**) S.S.I. 2011/141 to which there are amendments not relevant to these Regulations.
(**b**) S.S.I. 2012/54 to which there are amendments not relevant to these Regulations.
(**c**) S.S.I. 2013/194.
(**d**) S.S.I. 2015/252.
(**e**) S.S.I. 2016/432 to which there are amendments not relevant to these Regulations.
(**f**) S.S.I. 2020/305.

The Age of Criminal Responsibility (Scotland) Act 2019 (Register of Child Interview Rights Practitioners) Regulations 2021

21. In regulation 3 (inclusion in the register: requirements and period of registration) of the Age of Criminal Responsibility (Scotland) Act 2019 (Register of Child Interview Rights Practitioners) Regulations 2021(**a**)—

(a) in sub-paragraph (4), for "work" substitute "roles",

(b) in sub-paragraph (7)(b), for "work" substitute "roles".

(**a**) S.S.I. 2021/233.

SCHEDULE 2

Regulation 3

Revocations

1. The Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Regulations 2010(**a**),

2. The Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010(**b**),

3. The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(**c**),

4. The Protection of Vulnerable Groups (Scotland) Act 2007 (Vetting Information) Regulations 2010(**d**),

5. The Police Act 1997 (Alteration of the Meaning of Suitability Information relating to Children and Protected Adults) (Scotland) Order 2010(**e**),

6. The Protection of Vulnerable Groups (Scotland) Act 2007 (Health Professionals) (Health Service Lists) Regulations 2010(**f**),

7. The Protection of Vulnerable Groups (Scotland) Act 2007 (Unlawful Requests for Scheme Records) (Prescribed Circumstances) Regulations 2010(**g**),

8. The Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Children) Order 2010(**h**),

9. The Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Adults) Order 2010(**i**),

10. The Protection of Vulnerable Groups (Scotland) Act 2007 (Relevant Offences) (Modification) Order 2010(**j**),

11. The Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Purposes for Consideration of Suitability) Regulations 2010(**k**),

12. The Police Act 1997 (Alteration of the Meaning of Suitability Information relating to Children and Protected Adults) (Scotland) (No. 2) Order 2010(**l**),

13. The Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010(**m**),

14. The Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Purposes for Consideration of Suitability) Regulations 2011(**n**),

15. The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2012(**o**),

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(**a**) S.S.I. 2010/161.
(**b**) S.S.I. 2010/167.
(**c**) S.S.I. 2010/168.
(**d**) S.S.I. 2010/189.
(**e**) S.S.I. 2010/190.
(**f**) S.S.I. 2010/191.
(**g**) S.S.I. 2010/194.
(**h**) S.S.I. 2010/240.
(**i**) S.S.I. 2010/245.
(**j**) S.S.I. 2010/246.
(**k**) S.S.I. 2010/381.
(**l**) S.S.I. 2010/382.
(**m**) S.S.I. 2010/383.
(**n**) S.S.I. 2011/411.
(**o**) S.S.I. 2012/354.

16. The Children's Hearings (Scotland) Act 2011 (Rehabilitation of Offenders) (Transitory Provisions) Order 2013(**a**),

17. The Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Children) (Children's Hearings) Order 2013(**b**),

18. The Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Amendment Regulations 2015(**c**),

19. The Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Purposes for Consideration of Suitability) Regulations 2016(**d**),

20. The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2017(**e**),

21. The Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Amendment Regulations 2018(**f**),

22. The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2022(**g**),

23. The Police Act 1997 (Criminal Records) (Homes for Ukraine Sponsorship Scheme) (Scotland) Amendment Regulations 2022(**h**),

24. The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022(**i**).

(**a**) S.S.I. 2013/146.
(**b**) S.S.I. 2013/203.
(**c**) S.S.I. 2015/223.
(**d**) S.S.I. 2016/27.
(**e**) S.S.I. 2017/171.
(**f**) S.S.I. 2018/28.
(**g**) S.S.I. 2022/97.
(**h**) S.S.I. 2022/158.
(**i**) S.S.I. 2022/379.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in consequence of the Disclosure (Scotland) Act 2020 ("the Disclosure Act").

Part 1 of the Disclosure Act reforms the system of disclosure of criminal records administered by the Scottish Ministers. Prior to the Disclosure Act, disclosure functions were performed in accordance with Part 5 of the Police Act 1997 ("the Police Act") and Part 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act"). The Disclosure Act repeals and replaces Part 5 of the Police Act and amends the PVG Act and makes provision for new disclosure products. Provision is made for new Level 1 and Level 2 disclosures that replace criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under the Police Act, and scheme records and short scheme records under the PVG Act. The Disclosure Act also replaces the concept of "regulated work with children and adults" with "regulated roles with children and adults".

Part 1 of schedule 1 of these Regulations makes modifications to primary legislation which are consequential, incidental and supplementary in nature, to ensure that the disclosure system operates as the Disclosure Act intended. Part 2 of schedule 1 makes consequential amendments and substitutions to subordinate legislation to reflect the changes made to the disclosure system by the Disclosure Act.

Schedule 2 of these Regulations revokes the enactments referred to in that schedule.

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