Draft Order laid before Parliament under section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

CHILDREN AND YOUNG PERSONS

PROTECTION OF VULNERABLE ADULTS

The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Modifications) Order 2010

Made - - - -	*2010*
Coming into force - -	*in accordance with article 1*

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) of the Scotland Act 1998(**a**).

A draft of this Order was laid before Parliament and approved by resolution of each House of Parliament in accordance with section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998.

Citation and commencement

1. This Order may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Modifications) Order 2010 and comes into force on the day after the day on which it is made.

(**a**) 1998 c. 46.

Provision of information by ISA to the Scottish Ministers

2. In Schedule 3 to the Safeguarding Vulnerable Groups Act 2006(**a**), after paragraph 22 insert—

"**22A.** ISA(**b**) may provide the Scottish Ministers with such information as it thinks may be relevant to the exercise by the Scottish Ministers of their functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).".

Amendment to the Data Protection Act 1998

3.—(1) The Data Protection Act 1998(**c**) is amended as follows.

(2) In section 56 (prohibition of requirement as to production of certain records)(**d**) in the table in subsection (6), after the entry relating to the Independent Safeguarding Authority insert—

"5. The Scottish Ministers.	Their functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).".

(3) In section 75 (commencement etc)(**e**), in subsection (4A)—

(a) at the end of paragraph (a), omit "or"; and

(b) after paragraph (b), insert—

", or

(c) the Scottish Ministers' functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).".

Name
Parliamentary Under Secretary of State
Department for Education

Date

(**a**) 2006 c. 47.

(**b**) The Independent Barring Board (IBB) established by the Safeguarding Vulnerable Groups Act 2006 (c. 47) was renamed the Independent Safeguarding Authority (ISA) by section 81(1) of the Policing and Crime Act 2009 (c. 26).

(**c**) 1998 c. 29.

(**d**) Section 56(6) has been amended by section 81(2) and (3)(i) of the Policing and Crime Act 2009 (c. 26); section 78(2)(a) of the Police (Northern Ireland) Act 2000 (c. 32); paragraph 112 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 191 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6); section 63(1) of, and paragraph 15(1), (2)(a) and (2)(b) of Part 2 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47); and article 60(1) of, and paragraph 4(1) of Schedule 7 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)).

(**e**) Section 75(4A) was inserted by section 63(1) of, and paragraph 15(1) and (3) of Part 2 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47). Section 75(4A) has been amended by article 60(1) of, and paragraph 4(2)(a) and (b) of Schedule 7 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), and by section 81(2) and (3)(i) of the Policing and Crime Act 2009 (c. 26).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Protection of Vulnerable Groups (Scotland) Act 2007 ("the 2007 Act").

Parts 1 and 2 of the 2007 Act make provision for the keeping of lists of those barred from regulated work relating to children and to protected adults; the replacement of enhanced criminal record certificates with new disclosure records for those working with vulnerable groups; and the establishment of a scheme for such workers membership of which enables the ongoing collection of vetting information and assessment for unsuitability to work with the relevant group.

Article 2 of the Order amends the Safeguarding Vulnerable Groups Act 2006, inserting a provision enabling the Independent Safeguarding Authority to provide the Scottish Ministers with information relevant to their functions under Parts 1 and 2 of the 2007 Act.

Article 3 amends the Data Protection Act 1998 to make it an offence for an employer to require an individual to supply them with information obtained by the individual from the Scottish Ministers under section 7 of that Act and which relates to the Scottish Ministers' functions under Parts 1 and 2 of the 2007 Act.

The impact on the public, private and voluntary sectors of this instrument is not expected to be significant. The amendment made by article 2 has no impact on these sectors. The amendments made by article 3 are consequential on the new scheme of disclosure records established by the 2007 Act. A regulatory impact assessment has been prepared by the Scottish Government in respect of various aspects of the 2007 Act scheme, including those relating to fees for disclosures and scheme membership. The regulatory impact assessment is available at http://www.scotland.gov.uk/Publications/2010/04/RIA2010.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Draft Order laid before Parliament under section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

CHILDREN AND YOUNG PERSONS

PROTECTION OF VULNERABLE ADULTS

The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Modifications) Order 2010

£4.00

E8114 10/2010 108114T 19585

