Draft Regulations laid before the Scottish Parliament under section 100(4) of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

PROTECTION OF VULNERABLE GROUPS

The Regulated Roles with Children and Adults (Scotland) Amendment 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 paragraph 33 of schedule 2 and paragraph 25 of schedule 3 of the Protection of Vulnerable Groups (Scotland) Act 2007(**a**) and all other powers enabling them to do so.

In accordance with section 100(4) of that Act(**b**), 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 Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025 and come into force on the same day as section 74 of the Disclosure (Scotland) Act 2020(**c**) comes into force for all remaining purposes.

(2) In these Regulations, "the PVG Act" means the Protection of Vulnerable Groups (Scotland) Act 2007.

Modification of schedule 2 of the PVG Act

2.—(1) Schedule 2 (regulated roles with children) (as substituted by section 74(3) of the Disclosure (Scotland) Act 2020) of the PVG Act is modified in accordance with this regulation.

(2) In paragraph 3—

(a) in sub-paragraph (1), in the definition of "contact with children", for paragraph (b) substitute—

"(b) includes any of the following—

(i) physical contact with children,

(ii) visual, written or verbal communication with children,

(**a**) 2007 asp 14. Schedules 2 and 3 were substituted by section 74(3) and (4) of the Disclosure (Scotland) Act 2020 (asp 13) ("the Disclosure Act").
(**b**) Section 100(4) was amended by paragraph 10(53) of schedule 5 of the Disclosure Act.
(**c**) 2020 asp 13.

(iii) exercising power or influence over children,",

(b) in sub-paragraph (3), for paragraph (b), substitute—

"(b) includes any of the following—

(i) physical contact with children,

(ii) visual, written or verbal communication with children,

(iii) exercising power or influence over children.".

(3) After paragraph 13, insert—

"**13A.** Practising as an anaesthesia associate or physician associate pursuant to registration with the General Medical Council.".

(4) After paragraph 14, insert—

"**14A.** Practising in a profession pursuant to registration with the Health and Care Professions Council.".

(5) In paragraph 16, after "dentist" insert "or dental care professional".

(6) In paragraph 17, after "an" insert "optometrist or dispensing".

(7) In paragraph 19, after "pharmacist" insert "or pharmacy technician".

(8) In paragraph 20, after "hospital," insert "nursery,".

(9) In paragraph 21, after "hospice," insert "hostel,".

(10) In paragraph 24—

(a) for the words "or advice or guidance", substitute ", advice, guidance or advocacy support",

(b) for the words "or guidance", in the second place they occur, substitute ", guidance or advocacy support".

Modification of schedule 3 of the PVG Act

3.—(1) Schedule 3 of the PVG Act (regulated roles with adults) (as substituted by section 74(4) of the Disclosure (Scotland) Act 2020) is modified in accordance with this regulation.

(2) For paragraph 1(2)(b), substitute—

"(b) in the case of—

(i) activities mentioned in paragraph 13A of Part 2 of this schedule, the carrying out of activities gives the individual carrying them out, when doing anything permitted or required in connection with the carrying out of the activities, the opportunity to have unsupervised contact with protected adults,

(ii) other activities mentioned in Part 2 of the schedule, the carrying out of the activities gives the individual carrying them out, when doing anything permitted or required in connection with the carrying out of the activities, the opportunity to have contact with protected adults.".

(3) In paragraph 3—

(a) for sub-paragraph (1) substitute—

"(1) In paragraph 1(2)(b)—

"contact with protected adults"—

(a) means, in relation to an activity, contact that is more than incidental to the carrying out of the activity, and

(b) includes any of the following—

(i) physical contact with protected adults,

(ii) visual, written or verbal communication with protected adults,

(iii) exercising power or influence over protected adults,

"unsupervised contact with protected adults" means contact with protected adults in the absence of a person carrying out an activity mentioned in paragraphs 14, 14A, 14B or 18 of Part 2 of this schedule.",

(b) in sub-paragraph (2), for paragraph (b) substitute—

"(b) includes any of the following—

(i) physical contact with protected adults,

(ii) visual, written or verbal communication with protected adults,

(iii) exercising power or influence over protected adults.".

(4) After paragraph 6, insert—

"**6A.** Practising as an anaesthesia associate or physician associate pursuant to registration with the General Medical Council.".

(5) After paragraph 7, insert—

"**7A.** Practising in a profession pursuant to registration with the Health and Care Professions Council.".

(6) In paragraph 9, after "dentist" insert "or dental care professional".

(7) In paragraph 10, after "an" insert "optometrist or dispensing".

(8) In paragraph 12, after "pharmacist" insert "or pharmacy technician".

(9) After paragraph 13, insert—

"**13A.** Carrying out an activity in a hospital, hospice, care home, day care centre or adult placement setting.".

(10) After paragraph 14, insert—

"**14A.** Having responsibility for the safety and welfare of a protected adult.

14B. Having the ability to directly influence decisions about the safety and welfare of a protected adult, other than in the capacity of an elected representative or as the holder of a judicial office.".

(11) In paragraph 17—

(a) for the words "or advice or guidance" substitute ", advice, guidance or advocacy support",

(b) for the words "or guidance", in the second place they occur, substitute ", guidance or advocacy support".

(12) In paragraph 23, for the words "whose main purpose is to provide" substitute "which has as one of its main purposes the provision of".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 74 of the Disclosure (Scotland) Act 2020 ("the Disclosure Act") amended section 91 of the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act"). Paragraphs (3) and (4) of section 74 substitute schedules 2 and 3 of the PVG Act for the schedules contained in schedules 3 and 4 of the Disclosure Act. Section 74 of the Disclosure Act and these Regulations will come into force on the same day.

These Regulations modify schedules 2 and 3 of the PVG Act (as substituted by section 74(3) and (4) of the Disclosure Act). Schedule 2 defines regulated roles with children and schedule 3 defines regulated roles with protected adults.

Regulated Roles with Children

Regulation 2 modifies schedule 2 of the PVG Act in the following ways:

— to amend the definition of "contact with children" in paragraph 3(1) of the schedule to extend it to visual communication with children (regulation 2(2)),

— to insert new activities into Part 2 of the schedule - individuals carrying out those activities will be carrying out a regulated role with children if the conditions in paragraph 1(2) of the schedule are met (regulation 2(3), (4), (5), (6) and (7)),

— to make minor textual amendments to certain activities in Part 2 of the schedule to include additional establishments and activities (regulation 2(8), (9) and (10)).

Regulated Roles with Adults

Regulation 3 modifies schedule 3 of the PVG Act in the following ways:

— to insert the concept of "unsupervised contact with protected adults" into paragraph 1 of the schedule - individuals carrying out an activity mentioned in the new paragraph 13A will be carrying out a regulated role for the purposes of the PVG Act, if carrying out the activity gives them unsupervised contact with protected adults (regulation 3(2) and (3)),

— to amend the definition of "contact with protected adults" in paragraph 3(1) of the schedule to extend it to visual communication with protected adults (regulation 3(3)),

— to insert new activities into Part 2 of the schedule - individuals carrying out those activities will be carrying out a regulated role with adults if the conditions in paragraph 1(2) of the schedule are met (regulation 3(4), (5), (6), (7), (8), (9) and (10)),

— to make minor textual amendments to certain activities in Part 2 of the schedule to include additional activities and to correct a typographical error (regulation 3(11) and (12)).

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