SCOTTISH STATUTORY INSTRUMENTS

2025 No. 25

PROTECTION OF VULNERABLE GROUPS

The Fees for Scheme Membership and Disclosure Applications (Scotland) Regulations 2025

Made - - - - 30th January 2025

Laid before the Scottish Parliament 3rd February 2025

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 70(1) and (2) of the Protection of Vulnerable (Groups) (Scotland) Act 2007(**a**) and section 61(1), (2)(a) and (b) and (3) of the Disclosure (Scotland) Act 2020(**b**) and all other powers enabling them to do so.

In accordance with section 70(3) of the Protection of Vulnerable Groups (Scotland) Act 2007 Ministers have had regard to the circumstances in which the fees are payable, and the desirability of maintaining an appropriate balance among the quality of the performance of their vetting, barring and disclosure functions, the cost of that performance, and the fees paid to them in respect of that performance.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fees for Scheme Membership and Disclosure Applications (Scotland) Regulations 2025 and come into force on the same day as section 8 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,

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

Scheme membership: fees

2.—(1) The fee payable in respect of an application to join the Scheme made under section 45(1)(a) of the PVG Act(**c**) is £59.

(**a**) 2007 asp 14. Section 70 was amended by paragraph 10(41) of schedule 5 of the Disclosure (Scotland) Act 2020 (asp 13) ("the Disclosure Act"). Section 97(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.
(**b**) 2020 asp 13.
(**c**) Section 45 was substituted by section 70 of the Disclosure Act.

(2) The fee payable in respect of a request for a confirmation of scheme membership(**a**) under section 54 of the PVG Act(**b**) is £18.

(3) Where an existing scheme member participates in the Scheme in relation to—

(a) regulated roles with children only, or

(b) regulated roles with adults only,

the fee payable for any subsequent application made by that scheme member under section 45(1)(a) to join the Scheme in relation to the other type of regulated role, is £59.

Level 1 and Level 2 disclosures: fees

3.—(1) The fee payable in respect of an application for a Level 1 disclosure made under section 2 of the Disclosure Act is £25.

(2) The fee payable in respect of an application for a Level 2 disclosure made under section 11 of the Disclosure Act is £25.

(3) The fee set out in paragraph (2) is reduced to £18, where the application is for a PVG Scheme Level 2 disclosure.

Waiver of fee for confirmation of scheme membership and for PVG Scheme Level 2 disclosure when requested at the same time as applying to join the Scheme

4.—(1) Where, at the same time as applying to join the Scheme under section 45(1)(a) of the PVG Act an individual also makes a request for disclosure of a confirmation of scheme membership, the fee in regulation 2(2) is waived.

(2) Where, at the same time as applying to join the Scheme under section 45(1)(a) of the PVG Act an individual also makes an application for a PVG Scheme Level 2 disclosure, the reduced fee in regulation 3(3) is waived.

(3) For the avoidance of doubt—

(a) paragraph (1) applies in relation to one request for disclosure of a confirmation of scheme membership only,

(b) paragraph (2) applies in relation to one application for a PVG Scheme Level 2 disclosure only.

Waiver of fees for those working in a voluntary and unpaid capacity for a qualifying voluntary organisation

5.—(1) The fees in regulation 2(1) and (3) are waived in respect of any application to join the Scheme under section 45(1)(a) of the PVG Act where the conditions in paragraph (3) of this regulation are met.

(2) The reduced fee in regulation 3(3) is waived in respect of any application for a PVG Scheme Level 2 disclosure where the conditions in paragraph (3) of this regulation are met.

(3) The conditions are that the application is—

(a) accompanied by a statement from an accredited body that the application is in connection with a regulated role undertaken for a qualifying voluntary organisation,

(b) made by an individual in relation to a regulated role in a voluntary and unpaid capacity for a qualifying voluntary organisation, and

(c) made solely in respect of that role.

(4) In this regulation, "qualifying voluntary organisation" means an organisation which is not—

(**a**) Section 46(2) of the Protection of Vulnerable Groups (Scotland) Act 2007 defines confirmation of scheme membership for the purposes of that Act. Section 46 was substituted by section 86(2) of the Disclosure Act.

(**b**) Section 54 was substituted by section 86(3) of the Disclosure (Scotland) Act 2020 (asp 13) ("the Disclosure Act").

(a) a Scottish public authority, under the management of such a public authority, or a school,

(b) conducted primarily for profit, and any profit generated is used to further the objectives of the organisation and not distributed to its members.

(5) For the purposes of paragraph (4), "school" has the same meaning given in section 135(1) of the Education (Scotland) Act 1980(**a**) but does not include a school that solely provides early learning and childcare within the meaning of Part 6 of the Children and Young People (Scotland) Act 2014(**b**).

NATALIE DON-INNES
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th January 2025

(**a**) 1980 c. 44.
(**b**) 2014 asp 8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under sections 70(1) and (2) of the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act") for the fees payable in respect of applications to join the PVG Scheme and for confirmation of scheme membership. They also make provision under section 61(1), (2)(a) and (b) and (3) of the Disclosure (Scotland) Act 2020 ("the Disclosure Act") in respect of applications for Level 1 and Level 2 disclosures.

Regulation 2 sets out the fees payable for applications to join the PVG Scheme and for requests for confirmations of scheme membership under section 54 of the PVG Act.

Regulation 3 sets out the fees payable for Level 1 disclosures under section 2 of the Disclosure Act and Level 2 disclosures under section 11 of the Disclosure Act. Regulation 3(3) sets out that for a Level 2 disclosure to which section 17 of the Disclosure Act applies ("a PVG Scheme Level 2 disclosure") the fee is reduced to £18.

Regulation 4(1) makes provision for the waiver of the fee for one request for a confirmation of scheme membership under section 54 of the PVG Act where that request is made at the same time as the individual applies to join the PVG Scheme so that the individual is charged only in relation to their application to join the PVG Scheme. Regulation 4(2) makes provision for the waiver of the reduced fee for a PVG Scheme level disclosure where the application for that disclosure is made at the same time as the individual applies to join the PVG Scheme, again, so that the individual is charged only in relation to their application to join the PVG Scheme.

Regulation 5 makes provision for the waiver of fees for applications to join the PVG Scheme and applications for PVG Scheme Level 2 disclosures for individuals who are carrying out a regulated role in a voluntary and unpaid capacity for a qualifying voluntary organisation (as defined in regulation 5).

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