SCOTTISH STATUTORY INSTRUMENTS

# 2025 No. 4

# PROTECTION OF VULNERABLE GROUPS

## The Protection of Vulnerable Groups (Prescribed Services and Activities) (Protected Adult) (Scotland) Regulations 2025

*Made - - - - 9th January 2025*

*Laid before the Scottish Parliament 13th January 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 94(1)(c) and (d) of the Protection of Vulnerable Groups (Scotland) Act 2007(**a**) and all other powers enabling them to do so.

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Protection of Vulnerable Groups (Prescribed Services and Activities) (Protected Adult) (Scotland) Regulations 2025 and come into force on the same day as section 75 of the Disclosure Act(**b**).

(2) In these Regulations—

"the 1978 Act" means the National Health Service (Scotland) Act 1978(**c**),

"the 2014 Act" means the Public Bodies (Joint Working) (Scotland) Act 2014(**d**),

"the Disclosure Act" means the Disclosure (Scotland) Act 2020(**e**)

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

### Prescribed health services

**2.**—(1) For the purposes of section 94(1)(c) of the PVG Act (as amended by section 75(2) of the Disclosure Act), a prescribed health service is a service provided or secured by—

(a) a Health Board or Special Health Board constituted by order under section 2 of the 1978 Act, acting in exercise of functions conferred by that Act(**f**),

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(**a**) 2007 asp 14. Section 94(1)(c) and (d) were substituted by section 75(2) of the Disclosure (Scotland) Act 2020 (asp 13). 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**) 1978 c. 29.

(**d**) 2014 asp 9.

(**e**) 2020 asp 13.

(**f**) Section 2 was amended by paragraph 1 of schedule 7 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 28, paragraph 19(1) of schedule 9 and schedule 10 of the National Health Service and Community Care Act 1990 (c. 19), paragraph 1(2) of schedule 1 of the National Health Service Reform (Scotland) Act 2004 (asp 7), paragraph 2(2) of schedule 2 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 2(1) of the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5) and paragraph 1(2) of the schedule of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3).

(b) a person to whom functions are delegated by a Health Board in pursuance of an integration scheme prepared under section 1 or 2 of the 2014 Act,

(c) an independent hospital

(d) a private psychiatric hospital,

(e) an independent clinic,

(f) an independent medical agency,

(g) an independent ambulance service.

(2) Expressions used in paragraph (1)(c) to (g) have the same meaning as in section 10F of the 1978 Act(**a**).

**Prescribed community care services**

**3.**—(1) For the purposes of section 94(1)(d) of the PVG Act (as amended by section 75(2) of the Disclosure Act) the prescribed activities for the community care services set out in paragraph (2)are the activities mentioned in either of paragraphs 15 or 17 of Part 2 of schedule 3 of the PVG Act(**b**).

(2) For the purposes of section 94(1)(d)(v) of the PVG Act, a prescribed community care service is a service that is provided or secured by—

(a) a council under the Social Work (Scotland) Act 1968(**c**) or the Mental Health (Care and Treatment) (Scotland) Act 2003(**d**),

(b) a person to whom a function conferred by either of those Acts is delegated by a council in pursuance of an integration scheme prepared under section 1 or 2 of the 2014 Act.

*NATALIE DON-INNES*
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th January 2025

(**a**) Section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8) and was amended by S.S.I. 2016/148, S.S.I. 2017/67 and S.S.I. 2024/172.
(**b**) Schedule 3 was substituted by section 74(4) of the Disclosure (Scotland) Act 2020 (asp 13).
(**c**) 1968 c. 49.
(**d**) 2003 asp 13.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 94 (as amended by section 75(2) of the Disclosure Act) of the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act") defines who a "protected adult" is for the purposes of the PVG Act. Under that section, the receipt by an individual of a prescribed health service or a prescribed community care service confers on them the status of a 'protected adult'. Section 97(1) of the PVG Act provides that "prescribed" means prescribed in Regulations made by the Scottish Minsters.

Regulation 2 prescribes health services for the purposes of section 94(1)(c) of the PVG Act. An individual who is aged 18 or over and who is being provided with a prescribed health service by a person who is carrying out a regulated role that involves one or more of the activities mentioned in paragraphs 6 to 12 of Part 2 of schedule 3 of the PVG Act, is a protected adult.

Regulation 3 prescribes community care services and the activities relevant to such services for the purposes of section 94(1)(d) and 94(1)(d)(v) of the PVG Act. An individual who is aged 18 or over and who is being provided with a prescribed community care service by a person who is carrying out a regulated role that involves any of the activities mentioned paragraphs 15 or 17 of Part 2 of schedule 3 of the PVG Act, is a protected adult.

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