
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 223

**CHILDREN AND YOUNG PERSONS
PROTECTION OF VULNERABLE ADULTS**

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

<i>Made</i>	- - - -	<i>27th May 2015</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>29th May 2015</i>
<i>Coming into force</i>	- -	<i>1st July 2015</i>

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(1) and all other powers enabling them to do so.

In accordance with section 70(3) of that Act they 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 Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Amendment Regulations 2015 and come into force on 1st July 2015.

(2) In these Regulations, “the principal Regulations” means the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010(2).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(1) [2007 asp 14](#); section 97(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.
(2) [S.S.I. 2010/167](#).

(2) In regulation 7(2) (waiver of fees for those working in a voluntary and unpaid capacity for a qualifying voluntary organisation), at the end of sub-paragraph (b), omit from “; and” to the end of paragraph (2).

(3) After regulation 7(2), insert—

“(3) For the purposes of the definition of “qualifying voluntary organisation” in paragraph (2)—

“further education institution” has the same meaning as in paragraph 15 of schedule 2 to the Act; and

“school” has the same meaning as in the Education (Scotland) Act 1980⁽³⁾ 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⁽⁴⁾.”.

Refund of fees for those working in a voluntary and unpaid capacity for a qualifying voluntary organisation that solely provides early learning and childcare

3.—(1) In the circumstances prescribed in paragraph (2), Ministers are to refund the fees prescribed by regulations 3 or 4 of the principal Regulations.

(2) The prescribed circumstances are that—

- (a) between 28th February 2011 and 30th June 2015 a fee prescribed by regulation 3 or 4 of the principal Regulations has been paid in relation to any application to join the Scheme under section 45 of the Protection of Vulnerable Groups (Scotland) Act 2007, or any disclosure request;
- (b) such fee would not have been payable if the amendment made by regulation 2 had been in force at the time the fee was paid; and
- (c) on or before 1st January 2016, an application has been made to Ministers for a refund of such fee.

St Andrew’s House, Edinburgh
27th May 2015

FIONA McLEOD
Authorised to sign by the Scottish Ministers

(3) 1980 c.44.
(4) 2014 asp 8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010 (“the 2010 Regulations”).

The 2010 Regulations prescribe fees for applications for scheme membership and disclosure requests under the Protection of Vulnerable Groups (Scotland) Act 2007 but provide for the waiver of the fees payable by certain qualifying voluntary organisations. Regulation 2 amends the definition of qualifying voluntary organisation in regulation 7(2) in order to exclude from the definition any voluntary organisation which falls within the definition of school under the Education (Scotland) Act 1980 (c.44) but which solely provides early learning and childcare within the meaning of Part 6 of the Children and Young People (Scotland) Act 2014.

Regulation 3 prescribes the circumstances in which Scottish Ministers must pay refunds to any qualifying voluntary organisation of any fees already paid by it under regulations 3 and 4 of the 2010 Regulations between 28th February 2011 and 30th June 2015 if such fee would not have been payable, if the amendment made by regulation 2 had been in force at the time the fee was paid. Any application for a refund must be made to Scottish Ministers by 1st January 2016.