

2010 No. 380

CHILDREN AND YOUNG PERSONS

PROTECTION OF VULNERABLE ADULTS

**The Protection of Vulnerable Groups (Scotland) Act 2007
(Power to Refer) (Information Held by Public Bodies etc.)
Order 2010**

Made - - - - 2nd November 2010

Laid before the Scottish Parliament 4th November 2010

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 8(2) and (3)(d) and 19(3) of the Protection of Vulnerable Groups (Scotland) Act 2007^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Power to Refer) (Information Held by Public Bodies etc.) Order 2010 and comes into force on the same day as section 1 of the Protection of Vulnerable Groups (Scotland) Act 2007.

Information held by public bodies etc.

2. The Scottish Court Service is specified as a person for the purposes of section 19(3) of the Protection of Vulnerable Groups (Scotland) Act 2007.

Amendment of the Protection of Vulnerable Groups (Scotland) Act 2007 (Power to Refer) (Information Relevant to Listing Decisions) Order 2010

3. After article 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (Power to Refer) (Information Relevant to Listing Decisions) Order 2010(a), insert—

“**2A.** All the functions of the NHS Tribunal in terms of the National Health Service (Scotland) Act 1978(b) are specified for the purposes of section 8(3)(d) of the Act.”.

St Andrew’s House,
Edinburgh
2nd November 2010

ADAM INGRAM
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2010/178.
(b) 1978 c.29.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order specifies the Scottish Court Service (established by section 60 of the Judiciary and Courts (Scotland) Act 2008 (asp 6)) as a person who may be required to provide information to Ministers under section 19(1)(b) of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”) for the purpose of enabling or assisting them to decide whether to include an individual in the children’s list or in the adults’ list.

The Protection of Vulnerable Groups (Scotland) Act 2007 (Power to Refer) (Information Relevant to Listing Decisions) Order 2010 (S.S.I. 2010/178) (“the 2010 Order”) specifies the NHS Tribunal as a person to whom section 8 of the 2007 Act applies and specifies the NHS Tribunal as a person making a “relevant finding of fact” in proceedings before it for the purposes of section 17(5)(d) of the 2007 Act. Article 3 of this Order amends the 2010 Order to specify all of the functions of the NHS Tribunal in terms of the National Health Service (Scotland) Act 1978 for the purposes of section 8(3)(d) of the 2007 Act.

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