



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Natalie Don MSP
Minister for Children, Young People and The Promise
The Scottish Government

12 December 2024

Dear Minister,

Protection of Vulnerable Groups (Referrals by Chief Constable) (Prescribed Information) (Scotland) Regulations 2024 (SSI 2024/313)

I write following your [letter of 28 November 2024](#) to the Convener of the Education, Children and Young People Committee in relation to Protection of Vulnerable Groups (PVG) subordinate legislation.

In relation to the Protection of Vulnerable Groups (Referrals by Chief Constable) (Prescribed Information) (Scotland) Regulations 2024 (SSI 2024/313), you invited clarification of the issue originally raised by the DPLR Committee (“the Committee”).

This instrument was drawn to the attention of the Parliament by the Committee in its [report of 19 November 2024](#).

The Committee’s report is in relation to paragraph 6 of the schedule of the instrument, which prescribes:

“Details of the person for whom the chief constable considers that the individual is, or has been, carrying out a regulated role during the relevant period.”

The Committee agreed to draw this instrument to the attention of the Parliament on reporting ground (h) (form or meaning could be clearer) as the meaning of the term “details” in paragraph 6 of the schedule could be clearer. These are the details of someone who is not the individual subject to the referral.

As noted in your letter to the Education Committee, the DPLR Committee suggested that there is a difference between the information prescribed by this instrument and

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email dplr.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

the information which the Delegated Powers Memorandum indicated would be prescribed. The DPM stated:

“The information to be prescribed under the new section 6A (for the purposes of new section 10(1)(aa) of the PVG Act) will be the similar to the information already prescribed for organisational referrals under sections 3 to 6 and 8 of the PVG Act in the Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010 (SSI 2010/181)”

The intention indicated in the DPM was that information prescribed by the present instrument would be similar to that prescribed by SSI 2010/181. In relation specifically to information about a person who is not the individual in question, SSI 2010/181 prescribes (at paragraph 9, sub-paragraph (d) of schedules 1 and 2):

“the age and gender of the child or protected adult if any involved in the conduct”

The Committee report referred to “gender and National Insurance number” at paragraph 12. This should have instead read “age and gender”. I apologise for this error.

The concern of the Committee is that “details” in the new instrument (of a person who is not the subject of the referral) without any limits or criteria as to what “details” encompasses, is broader than the equivalent information that is to be given under SSI 2010/181.

I trust this will clarify the Committee’s original concern for you, but if you have any further questions, the clerks to the Committee would be more than happy to assist.

I am copying this letter to the Convener of the Education, Children and Young People Committee.

Yours sincerely,

Stuart McMillan MSP
Convener