Draft Order laid before Parliament under section 61(3) of the Safeguarding Vulnerable Groups Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES PROTECTION OF VULNERABLE ADULTS, ENGLAND AND WALES

The Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 59(11) and 64(1), (2) and (3) of, and paragraphs 6 and 9 of Schedule 4 to, the Safeguarding Vulnerable Groups Act 2006(**1**).

In accordance with section 56(3)(n) and (o) of that Act, the Secretary of State has consulted the Welsh Ministers.

A draft of this Order was laid before Parliament in accordance with section 61(3) of that Act and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 and shall come into force 21days after the day on which it is made.

(2) In this Order "the Act" means the Safeguarding Vulnerable Groups Act 2006.

Amendment of the Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009

2. The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009(**2**) is amended as follows.

(**1**) 2006 c. 47.
(**2**) S.I. 2009/1797.

3. Articles 2 and 4 are revoked.

4. In article 3—

(a) omit paragraph (1);

(b) in paragraph (2)(a) for "included in the children's barred list" substitute "barred from engaging in regulated activity relating to children";

(c) in paragraph 2(d)(ii) for "included in the children's barred list" substitute "barred from engaging in regulated activity relating to children".

Amendment of the Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009

5.—(1) The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009(**3**) is amended as follows.

(2) In article 1(2) omit the definitions of "the 1999 Act", "the 2000 Act", "the 2002 Act", "relevant person", "relevant day", "the first transitional period", "the second transitional period" and "the third transitional period".

(3) Articles 4 to 22 are revoked.

Transitional provisions

6. Articles 7 to 9 apply for the period beginning on the day on which this Order comes into force and ending on the day on which section 72(1) of the Protection of Freedoms Act 2012(**4**) is brought into force for the purposes of inserting section 30A into the Act.

7.—(1) The Independent Safeguarding Authority may, at the request of a person (X) who meets the requirement specified in paragraph (3), inform that person whether a person (Y) falls within paragraph (2).

(2) Y falls within this paragraph if Y is —

(a) included in the list kept under section 1 of the Protection of Children Act 1999(**5**);

(b) included in the list kept under section 81 of the Care Standards Act 2000(**6**);

(c) subject to a direction under section 142 of the Education Act 2002(**7**); or

(d) barred from regulated activity.

(3) The requirement is that X satisfies the Independent Safeguarding Authority that X has a legitimate interest in knowing whether Y falls within paragraph (2).

8.—(1) Section 113E(**8**) of the Police Act 1997 has effect subject to the following modifications.

(2) In subsection (3)—

(a) the words "113A(**9**) or" must be ignored;

(**3**) S.I. 2009/2610.
(**4**) 2012 c. 9.
(**5**) 1999 c. 14.
(**6**) 2000 c. 14.
(**7**) 2002 c. 32.
(**8**) Section 113E of the Police Act 1997 (c. 50) was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15).
(**9**) Section 113A of the Police Act 1997 was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 and was amended by section 63(1) of, and paragraph 14(1) and (2) of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006, section 50(1) and (3) of the Criminal Justice and Immigration Act 2008 (c. 4), S.I.2009/203 and S.I. 2010/1146.