Draft Regulations 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 Act 2006 (Controlled Activity and Prescribed Criteria) Regulations 2012

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State, in the exercise of the powers conferred by sections 23(1), 61(5) and 64(1)(a) and (3) of, and paragraphs 1(1), 2(1), 7(1), 8(1) and 24(1) and (2) of Schedule 3 to, the Safeguarding Vulnerable Groups Act 2006(**1**), makes the following Regulations.

In accordance with section 56(3)(q) of that Act the Secretary of State has consulted the Welsh Ministers.

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

Citation and commencement

1.—(1) These Regulations may be cited as the Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Prescribed Criteria) Regulations 2012 and subject to paragraphs (2) and (3) shall come into force the day after the day on which they are made.

(2) Regulation 2 shall come into force 14 days after the day on which these Regulations are made.

(3) Regulation 3 shall come into force 21 days after the day on which these Regulations are made.

(**1**) 2006 c. 47.

Amendment of the Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010

2. Regulations 2 to 8 of the Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010(**2**) are revoked.

Amendment of the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009

3.—(1) The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009(**3**) are amended as follows.

(2) In Part 1 of the table in paragraph 1 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list) insert the following entries at the appropriate place—

"Sexual Offences (Scotland) Act 2009(**4**), section 1	The offence was committed against a child"
"Sexual Offences (Scotland) Act 2009, section 2	The offence was committed against a child".

(3) In Part 2 of the table in paragraph 1 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list) insert the following entries at the appropriate place—

"Sexual Offences (Scotland) Act 2009, section 18"

"Sexual Offences (Scotland) Act 2009, section 19"

"Sexual Offences (Scotland) Act 2009, section 20(1), (2)(a) and (3)".

(4) In Part 1 of the table in paragraph 2 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list with the right to make representations)—

(a) remove the entry relating to the Offences Against the Person Act 1861, section 52";

(b) insert the following entries at the appropriate place—

"Female Genital Mutilation Act 2003(**5**), section 1	The offence was committed against a child"
"Female Genital Mutilation Act 2003, section 2	The offence was committed against a child"
"Female Genital Mutilation Act 2003, section 3	The offence was committed against a child"
"Sexual Offences Act 2003(**6**), section 72	The offence committed corresponds to an offence which would lead to automatic inclusion in the children's barred list with the right to make representations"

(**2**) S.I. 2010/ 1146.
(**3**) S.I. 2009/37 as amended by S.I. 2009/2610.
(**4**) 2009 asp. 9.
(**5**) 2003 c. 31.
(**6**) 2003 c. 42.

"Sexual Offences (Scotland) Act 2009, section 5	The offence was committed against a child under the age of 16"
"Sexual Offences (Scotland) Act 2009, section 6	The offence was committed against a child under the age of 16"
"Sexual Offences (Scotland) Act 2009, section 8	The offence was committed against a child under the age of 16"
"Sexual Offences (Scotland) Act 2009, section 9	The offence was committed against a child under the age of 16";

(c) in the entries relating to the Offences Against the Person Act 1861(**7**), section 61 and the Offences Against the Person Act 1861, section 62 for the circumstances of the offence substitute "The person with whom the offence was committed was under the age of 16 or did not consent to the act";

(d) in the entry relating to the Criminal Law Amendment Act 1885(**8**), section 11 for the circumstances of the offence substitute "The person with whom the offence was committed was under the age of 16 or did not consent to the act and the conviction or caution is not a disregarded conviction or caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012(**9**)";

(e) in the entries relating to the Sexual Offences Act 1956(**10**), section 12 and the Sexual Offences Act 1956, section 13 in the circumstances of the offence after "the act" insert "and the conviction or caution is not a disregarded conviction or caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012";

(f) in the entry relating to the Theft Act 1968(**11**), section 9(1)(a), after "intent to commit rape" insert "before section 9(1)(a) was amended by the Sexual Offences Act 2003";

(g) in the entry relating to the Theft Act (Northern Ireland) 1969(**12**), section 9, after "intent to commit rape" insert "before section 9 was amended by the Sexual Offences (Northern Ireland) Order 2008".

(5) In Part 2 of the table in paragraph 2 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list with the right to make representations)—

(a) remove the entries relating to the Mental Health Act 1983(**13**), sections 126, 128 and 129;

(b) insert the following entries at the appropriate place—

"Offences Against the Person Act 1861, section 52"

"Sexual Offences (Northern Ireland) Order 1978(**14**), Article 3"

"Mental Health (Scotland) Act 1984(**15**), section 106"

"Mental Health (Scotland) Act 1984, section 107"

"Sexual Offences Act 2003, section 4(1)(a)"

"Sexual Offences Act 2003, section 59A(**16**)

(**7**) 1861 c. 100.
(**8**) 1885. 48 & 49 Vict. C. 69.
(**9**) 2012 c. 9.
(**10**) 1956 c. 69.
(**11**) 1968 c. 60.
(**12**) 1969 c. 16.
(**13**) 1983 c. 20.
(**14**) S.I. 1978/460 (N.I. 5).
(**15**) 1984 c. 36.
(**16**) Section 59A was inserted by section 109 of the Protection of Freedoms Act 2012 (c. 9).