



# Safeguarding Vulnerable Groups Act 2006

## 2006 CHAPTER 47

### *Miscellaneous*

#### **52 Referrals: findings of fact immaterial**

- (1) For the purposes of the provisions mentioned in subsection (2), it is immaterial whether there is a finding of fact in any proceedings.
- (2) The provisions are—
  - section 35(3)(b) and (c);
  - section 36(4)(b) and (c);
  - section 39(2)(b) and (c) and (5)(a);
  - section 41(2)(b) and (c) and (5)(a);
  - section 45(2)(b) and (c) and (5)(a).

#### **Commencement Information**

- II** S. 52 in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, [Sch.](#)

#### **53 Fostering**

- (1) Despite section 58, this Act applies to activity that is regulated activity by virtue of paragraph 1(5) of Schedule 4.
- (2) Subsection (1) does not affect the operation of this Act in relation to any other activity that is carried out in connection with a foster child.
- (3) Subsection (4) applies if a person (P)—
  - (a) makes arrangements for another person to foster a child as a private foster parent, and
  - (b) has power to terminate the arrangements.
- (4) P is, if he would not otherwise be, a regulated activity provider in relation to fostering carried out by the foster parent in pursuance of the arrangements.

*Status: Point in time view as at 06/04/2016.*

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- (5) The following provisions of this section apply for the purposes of this Act.
- (6) A person fosters a child if he is a foster parent of the child.
- (7) A person is a foster parent if—
- [<sup>F1</sup>(a) the person is a local authority foster parent within the meaning of section 105 of the Children Act 1989;]
  - (b) he is a person with whom a child has been placed by a voluntary organisation under section 59(1)(a) of that Act;
  - (c) he is a private foster parent.
- (8) A person is a private foster parent if he falls within subsection (9) and looks after a child—
- (a) for reward, or
  - (b) in pursuance of an arrangement made by someone other than a member of the child's family.
- (9) A person falls within this subsection if—
- (a) he fosters the child privately within the meaning of section 66(1) of the Children Act 1989,
  - (b) he would be so fostering the child but for subsection (2) of that section (minimum period of 28 days), or
  - (c) (in the case of a child who has attained the age of 16) he would fall within paragraph (a) or (b) if the child were under the age of 16.
- (10) A person's family includes—
- (a) the person's foster child;
  - (b) the foster child of any member of the person's family;
- and references to a family relationship and family member are to be construed accordingly.

#### Textual Amendments

- F1** S. 53(7)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **255**

#### Commencement Information

- I2** S. 53 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(1)**
- I3** S. 53 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(i)**

## 54 Devolution: alignment

- (1) The Secretary of State may, by order, make such provision (including provision amending any enactment contained in or made under any Act, including this Act) as he thinks necessary or expedient in consequence of or having regard to any relevant Scottish legislation or relevant Northern Ireland legislation.
- (2) An order may—
- <sup>F2</sup>(a) .....
  - (b) confer power to make subordinate legislation (within the meaning given by the Interpretation Act 1978 (c. 30)).

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- (3) Relevant Scottish legislation is any provision made by or under an Act of the Scottish Parliament which the Secretary of State thinks—
- (a) corresponds to provision made by or under this Act,
  - <sup>F3</sup>(b) ..... or
  - (c) affects the operation of any provision made by or under this Act.
- (4) Relevant Northern Ireland legislation is any provision of such legislation which the Secretary of State thinks—
- (a) corresponds to provision made by or under this Act
  - <sup>F4</sup>(b) ..... or
  - (c) affects the operation of any provision made by or under this Act.
- <sup>F5</sup>(5) .....

#### Textual Amendments

- F2** S. 54(2)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(2\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F3** S. 54(3)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(3\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F4** S. 54(4)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(4\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F5** S. 54(5) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(5\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

#### Commencement Information

- I4** S. 54(1)(2) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(m\)](#)
- I5** S. 54(1)(2) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I6** S. 54(3)-(5) in force at 12.10.2009 by [S.I. 2009/2611, art. 2, Sch.](#)

## 55 Northern Ireland

An Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (legislation for Northern Ireland during suspension of devolved government) which contains a statement that it is made only for purposes corresponding to those of this Act—

- (a) is not subject to paragraph 2 of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) is subject to annulment in pursuance of a resolution of either House of Parliament.

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## 56 Devolution: Wales

- <sup>F6</sup>(1) .....
- (2) If the exercise of a power to make subordinate legislation under any of the following provisions will have effect in relation to any function of the Welsh Ministers to which the provision applies, or would apply in consequence of the exercise of the power, the Secretary of State must not exercise the power without the consent of the Welsh Ministers—
- (a) section [<sup>F7</sup>45(9)];
  - (b) section 46(2);
  - <sup>F8</sup>(c) .....
  - (d) section 48(7) <sup>F9</sup>...;
  - (e) section 49(7) <sup>F9</sup>...
- (3) If the exercise of a power to make subordinate legislation under any of the following provisions will have effect in relation to Wales, the Secretary of State must not exercise the power unless he first consults the Welsh Ministers—
- (a) section 5(3);
  - <sup>F10</sup>(b) .....
  - <sup>F10</sup>(c) .....
  - <sup>F10</sup>(d) .....
  - <sup>F10</sup>(e) .....
  - <sup>F10</sup>(f) .....
  - (g) section 35(1);
  - (h) section 36(1), (2) or (3);
  - (i) section 37(2);
  - <sup>F11</sup>(j) .....
  - (k) section 40(2);
  - (l) section [<sup>F12</sup>41(8)];
  - (m) section 42(2);
  - <sup>F13</sup>(n) .....
  - (o) section 64(2);
  - (p) section 65;
  - (q) paragraph 1(1), 2(1), 7(1) or 8(1) of Schedule 3;
  - (r) paragraph 2(1)(f) or [<sup>F14</sup>7(1)(f) or (g)] of Schedule 4;
  - <sup>F15</sup>(s) .....
  - <sup>F15</sup>(t) .....
- (4) A power to make subordinate legislation is a power to make regulations or an order.
- (5) In the application of section 61 to the exercise of a power by the Welsh Ministers by virtue of this section—
- (a) the reference in subsection (2) of that section to either House of Parliament must be taken to be a reference to the National Assembly for Wales;
  - (b) the reference in subsection (3) of that section to each House of Parliament must be taken to be a reference to the Assembly.

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### Textual Amendments

- F6** S. 56(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(2\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F7** Words in s. 56(2)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(3\)\(a\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)
- F8** S. 56(2)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(3\)\(b\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F9** Words in s. 56(2)(d)(e) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(3\)\(c\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F10** S. 56(3)(b)-(f) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(a\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F11** S. 56(3)(j) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(c\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F12** Words in s. 56(3)(l) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(d\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)
- F13** S. 56(3)(n) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(e\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F14** Words in s. 56(3)(r) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(f\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)
- F15** S. 56(3)(s)(t) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(g\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

### Commencement Information

- I7** S. 56 in force at 31.12.2007 by [S.I. 2007/3545, art. 2\(e\)](#)

**Status:**

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**Changes to legislation:**

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