

SCHEDULES

SCHEDULE 9

CONSEQUENTIAL AMENDMENTS

PART 6

SAFEGUARDING OF VULNERABLE GROUPS

Police Act 1997

- 35 The Police Act 1997 is amended as follows.
- 36 In section 113A (criminal record certificates) omit subsection (10).
- 37 In section 113B (enhanced criminal record certificates) omit subsection (13).
- 38 In section 113BA(2) (suitability information relating to children) omit paragraphs (b) to (d).
- 39 In section 113BB(2) (suitability information relating to vulnerable adults) omit paragraphs (b) to (d).
- 40 (1) Section 119 (sources of information) is amended as follows.
- (2) In subsection (2) omit “or for the purposes of section 24 of the Safeguarding Vulnerable Groups Act 2006”.
- (3) In subsection (8)—
- (a) omit paragraph (c), and
- (b) in paragraph (d) for “that Act” substitute “the Safeguarding Vulnerable Groups Act 2006”.
- 41 In section 119B(5) (independent monitor) omit paragraphs (d) and (e).
- 42 (1) Section 120A (refusal and cancellation of registration on grounds related to disclosure) is amended as follows.
- (2) In subsection (3A) omit paragraphs (b) and (c).
- (3) Omit subsections (3B) and (3C).
- (4) In subsection (3D)—
- (a) for “subsections (3A) to (3C)” substitute “subsection (3A)”,
- (b) for “those subsections” substitute “that subsection”, and
- (c) omit the words from “, except” to the end of the subsection.

Safeguarding Vulnerable Groups Act 2006

- 43 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

Status: This is the original version (as it was originally enacted).

- 44 In section 4(1) (appeals)—
- (a) omit paragraph (a),
 - (b) in paragraph (b)—
 - (i) after “paragraph” insert “2,”,
 - (ii) after “5,” insert “8,” and
 - (iii) for “that Schedule” substitute “Schedule 3”, and
 - (c) in paragraph (c) for “or 18” substitute “, 18 or 18A”.
- 45 In section 5(4) (regulated activity)—
- (a) omit “section 10(3);”, and
 - (b) omit “paragraph 4 of Schedule 6”.
- 46 In section 6(8) (regulated activity providers)—
- (a) in paragraph (a), for “paragraph 4(1)(a), (b), (g), (h), (i), (j) or (m) or 8(1) (a), (d) or (e)” substitute “paragraph 1(9) or 7(9)”,
 - (b) omit paragraph (c), and
 - (c) in paragraph (d)—
 - (i) for “paragraph (a), (b) or (f) of section 59(10)” substitute “paragraph 7(3E)(a) or (b) of Schedule 4”, and
 - (ii) for “mentioned in that paragraph” substitute “exercisable by virtue of that position”.
- 47 In section 7(5) (barred person not to engage in regulated activity) omit paragraphs (b) and (c).
- 48 Omit section 8 (person not to engage in regulated activity unless subject to monitoring).
- 49 In section 9(5) (use of barred person for regulated activity) omit paragraphs (b) and (c).
- 50 Omit section 10 (use of person not subject to monitoring for regulated activity).
- 51 Omit section 11 and Schedule 5 (regulated activity provider: failure to check).
- 52 Omit section 12 and Schedule 6 (personnel suppliers: failure to check).
- 53 Omit section 13 (educational establishments: check on members of governing body).
- 54 Omit section 14 (office holders: offences).
- 55 Omit section 15 (sections 13 and 14: checks).
- 56 Omit section 16 (exception to requirement to make monitoring check).
- 57 Omit section 17 (NHS employment).
- 58 (1) Section 18 (offences: companies etc.) is amended as follows.
- (2) In subsection (1)—
 - (a) omit “, 10, 11, 23, 27”, and
 - (b) omit “or Schedule 6”.
 - (3) In subsection (2)—
 - (a) omit “, 10, 11, 23, 27”, and
 - (b) omit “or Schedule 6”.
- 59 (1) Section 19 (offences: other persons) is amended as follows.

- (2) Omit subsection (1).
 - (3) Omit subsections (3) and (4).
 - (4) Omit subsections (6) and (7).
 - (5) In subsection (8)—
 - (a) for “subsections (2)(b) and (3)(b)” substitute “subsection (2)(b)”, and
 - (b) omit paragraphs (b) and (c).
 - (6) Omit subsection (9).
- 60 In section 20 (section 19: exclusions and defences) omit subsections (2) to (7).
- 61 In section 35 (regulated activity providers: duty to refer)—
 - (a) in subsection (1), omit paragraph (b), and
 - (b) omit subsection (6).
- 62 (1) Section 36 (personnel suppliers: duty to refer) is amended as follows.
 - (2) In subsection (1) omit “or controlled activity”.
 - (3) In subsection (3)(a) omit “or controlled”.
- 63 (1) Section 37 (regulated activity providers: duty to provide information on request etc.) is amended as follows.
 - (2) In subsection (2)—
 - (a) omit paragraph (b), and
 - (b) in paragraph (d), omit “or controlled”.
 - (3) In subsection (4) omit “or controlled”.
 - (4) In subsection (5) omit “or controlled”.
- 64 In section 41(7) (registers: duty to refer), in the table, in column 1 of entry 3 for “Either of” substitute “Any of”.
- 65 (1) Section 50A (provision of information to the police) is amended as follows.
 - (2) In subsection (2) for “power conferred by subsection (1) does” substitute “powers conferred by this section do”.
 - (3) In subsection (3) for “subsection (1)” substitute “this section”.
 - (4) In the heading to section 50A, and in the italic cross-heading before it, after “police” insert “etc.”.
- 66 In section 51(5) (Crown application) omit paragraph (b).
- 67 (1) Section 54 (devolution: alignment) is amended as follows.
 - (2) In subsection (2) omit paragraph (a).
 - (3) In subsection (3) omit paragraph (b) (but not the word “or” at the end of it).
 - (4) In subsection (4) omit paragraph (b) (but not the word “or” at the end of it).
 - (5) Omit subsection (5).
- 68 (1) Section 56 (devolution: Wales) is amended as follows.

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- (2) Omit subsection (1).
 - (3) In subsection (2)—
 - (a) in paragraph (a) for “45(1), (5) or (9)” substitute “45(9)”,
 - (b) omit paragraph (c), and
 - (c) in paragraphs (d) and (e), omit “or (8)”.
 - (4) In subsection (3)—
 - (a) omit paragraphs (b) to (f),
 - (b) after paragraph (f) insert—
 - “(fa) section 34ZA(7),”
 - (c) omit paragraph (j),
 - (d) in paragraph (l) for “41(1), (5) or (8)” substitute “41(8)”,
 - (e) omit paragraph (n),
 - (f) in paragraph (r) for “7(1)(f)” substitute “7(1)(f) or (g)”, and
 - (g) omit paragraphs (s) and (t).
- 69 In section 57(1)(c) (damages) omit “prescribed”.
- 70 (1) Section 60 (interpretation) is amended as follows.
- (2) In subsection (1), in paragraph (b) of the definition of “personnel supplier”, omit “or controlled”.
 - (3) Omit subsection (3).
- 71 In section 61(3) (orders and regulations)—
- (a) omit paragraphs (b) to (e),
 - (b) at the end of paragraph (h) insert “or”, and
 - (c) omit paragraph (j) and the word “or” before it.
- 72 (1) Schedule 3 (barred lists) is amended as follows.
- (2) In paragraph 24, omit sub-paragraphs (8) and (9).
 - (3) In paragraph 25(1) after “will” insert “or (as the case may be) may”.
- 73 (1) Schedule 7 (vetting information) is amended as follows.
- (2) In paragraph 1—
 - (a) for “sections 30 and 32” substitute “sections 30A and 30B”, and
 - (b) omit entries 3, 4, 7, 8 and 17 in the table.
 - (3) Omit paragraph 3(3).
 - (4) In the heading to the Schedule for “VETTING INFORMATION” substitute “BARRING INFORMATION”.
- 74 In Schedule 8 (transitional provisions) omit paragraph 5.
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007*
- 75 The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ([S.I. 2007/1351 \(N.I. 11\)](#)) is amended as follows.
- 76 (1) Article 2 (interpretation) is amended as follows.

- (2) In the first paragraph (2)—
 - (a) omit the definition of “institution of further education”, and
 - (b) in the definition of “personnel supplier”, in sub-paragraph (b), omit “or controlled”.
 - (3) Renumber the second paragraph (2) as paragraph (2A).
 - (4) Omit paragraph (3).
- 77 In Article 8(1) (appeals)—
- (a) omit sub-paragraph (a),
 - (b) in sub-paragraph (b)—
 - (i) after “paragraph” insert “2,”,
 - (ii) after “5,” insert “8,”, and
 - (iii) for “that Schedule” substitute “Schedule 1”, and
 - (c) in sub-paragraph (c) for “or 18” substitute “, 18 or 18A”.
- 78 In Article 9(4) (regulated activity), omit sub-paragraphs (c) and (e).
- 79 In Article 10(8) (regulated activity providers)—
- (a) omit sub-paragraphs (a) and (c), and
 - (b) in sub-paragraph (d)—
 - (i) for “sub-paragraph (a) or (c) of Article 3(10)” substitute “paragraph 7(3E)(a) or (c) of Schedule 2”, and
 - (ii) for “mentioned in that paragraph” substitute “exercisable by virtue of that position”.
- 80 In Article 11(5) (barred person not to engage in regulated activity) omit sub-paragraphs (b) and (c).
- 81 Omit Article 12 (person not to engage in regulated activity unless subject to monitoring).
- 82 In Article 13(5) (use of barred person for regulated activity) omit sub-paragraphs (b) and (c).
- 83 Omit Article 14 (use of person not subject to monitoring for regulated activity).
- 84 Omit Article 15 and Schedule 3 (regulated activity provider: failure to check).
- 85 Omit Article 16 and Schedule 4 (personnel suppliers: failure to check).
- 86 Omit Article 17 (educational establishments: check on members of governing body).
- 87 Omit Article 18 (office holders: offences).
- 88 Omit Article 19 (Articles 17 and 18: checks).
- 89 Omit Article 20 (exception to requirement to make monitoring check).
- 90 Omit Article 21 (HSS employment).
- 91 (1) Article 22 (offences: companies etc.) is amended as follows.
- (2) In paragraph (1)—
 - (a) omit “, 14, 15, 27, 31”, and
 - (b) omit “or Schedule 4”.
 - (3) In paragraph (2)—

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- (a) omit “, 14, 15, 27, 31”, and
 - (b) omit “or Schedule 4”.
- 92 (1) Article 23 (offences: other persons) is amended as follows.
- (2) Omit paragraph (1).
 - (3) Omit paragraphs (3) and (4).
 - (4) Omit paragraphs (6) and (7).
 - (5) In paragraph (8)—
 - (a) for “paragraphs (2)(b) and (3)(b)” substitute “paragraph (2)(b)”, and
 - (b) omit sub-paragraphs (b) and (c).
 - (6) Omit paragraph (9).
- 93 In Article 24 (Article 23: exclusions and defences), omit paragraphs (2) to (7).
- 94 In Article 37 (regulated activity providers: duty to refer)—
- (a) in paragraph (1), omit sub-paragraph (b), and
 - (b) omit paragraph (6).
- 95 (1) Article 38 (personnel suppliers: duty to refer) is amended as follows.
- (2) In paragraph (1) omit “or controlled activity”.
 - (3) In paragraph (3)(a) omit “or controlled”.
- 96 (1) Article 39 (regulated activity providers: duty to provide information on request etc.) is amended as follows.
- (2) In paragraph (2)—
 - (a) omit sub-paragraph (b), and
 - (b) in sub-paragraph (d), omit “or controlled”.
 - (3) In paragraph (4) omit “or controlled”.
 - (4) In paragraph (5) omit “or controlled”.
- 97 (1) Article 52A (provision of information to the police) is amended as follows.
- (2) In paragraph (2) for “power conferred by paragraph (1) does” substitute “powers conferred by this Article do”.
 - (3) In the heading to Article 52A, after “Police”, insert “etc.”.
- 98 In Article 53(5) (Crown application), omit sub-paragraph (b).
- 99 (1) Article 56 (alignment with rest of UK) is amended as follows.
- (2) In paragraph (2) omit sub-paragraph (a).
 - (3) In paragraph (3) omit sub-paragraph (b) (but not the word “or” at the end of it).
 - (4) In paragraph (4) omit sub-paragraph (b) (but not the word “or” at the end of it).
 - (5) Omit paragraph (5).
- 100 In Article 57(1)(c) (damages) omit “prescribed”.
- 101 (1) Schedule 1 (barred lists) is amended as follows.

- (2) In paragraph 24, omit sub-paragraphs (8) and (9).
- (3) In paragraph 25(1) after “will” insert “or (as the case may be) “may”.
- 102 (1) Schedule 5 (vetting information) is amended as follows.
 - (2) In paragraph 1—
 - (a) for “Articles 32 and 34” substitute “Articles 32A and 32B”, and
 - (b) omit entries 3, 4, 7, 8 and 17 in the table.
 - (3) Omit paragraph 3(3).
 - (4) In the heading to the Schedule for “VETTING INFORMATION” substitute “BARRING INFORMATION”.
- 103 In Schedule 6 (transitional provisions) omit paragraph 5.