

2008 No. 1320 (C. 57)

**CHILDREN AND YOUNG PERSONS, ENGLAND AND
WALES**

**PROTECTION OF VULNERABLE ADULTS, ENGLAND
AND WALES**

DATA PROTECTION

**The Safeguarding Vulnerable Groups Act 2006 (Commencement
No. 2) Order 2008**

Made - - - -

14th May 2008

The Secretary of State makes the following Order in exercise of the powers conferred by sections 61(5) and 65 of the Safeguarding Vulnerable Groups Act 2006(a):

In accordance with section 56(3)(p) of that Act he has consulted the Welsh Ministers:

Citation and interpretation

1.—(1) This Order may be cited as the Safeguarding Vulnerable Groups Act 2006 (Commencement No. 2) Order 2008.

(2) In this Order, “the Act” means the Safeguarding Vulnerable Groups Act 2006.

Provisions coming into force on 19th May 2008

2. 19th May 2008 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 3(1) and (2)(a) (barred persons) and Schedule 4 (regulated activity) for the purposes of regulations made under section 75 of the Childcare Act 2006 (disqualification from registration)(b);
- (b) section 4 (appeals), in so far as it is not already in force;
- (c) section 25 (monitoring: fees);
- (d) paragraph 10 of Schedule 9 (amendments) and section 63(1) (amendments and repeals) in so far as it relates to that paragraph.

(a) 2006 c.47.

(b) 2006 c.21. Section 75 is amended by paragraph 10 to Schedule 9 of the Safeguarding Vulnerable Groups Act 2006 and will be repealed in part by Schedule 10 to that Act.

Provisions coming into force on 19th May 2008 extending to the whole of the United Kingdom

3. 19th May 2008 is the day appointed for the coming into force of paragraph 15(a) of Schedule 9 to the Act (amendments) and section 63(1) (amendments and repeals) in so far as it relates to that paragraph.

Provisions coming into force on 19th May 2008 for the purposes of making regulations under the Safeguarding Vulnerable Groups Act 2006

4. 19th May 2008 is the day appointed for the coming into force of the following provisions of the Act for the purposes of making regulations—

- (a) section 11(2) (regulated activity provider: failure to check);
- (b) section 13(1) and (5) (educational establishments: check on members of governing body);
- (c) section 14(1), (2) and (3) (office holders: offences);
- (d) section 24(1)(c) and (d), (8)(a) and (c), (10), (11) and (12)(d) (monitoring);
- (e) section 26(1) (ceasing monitoring);
- (f) section 30(7) and (8) (provision of vetting information);
- (g) section 32(10) (notification of cessation of monitoring);
- (h) section 33(3) and (4)(b) (cessation of registration);
- (i) section 35(1) (regulated activity providers: duty to refer);
- (j) section 36(1), (2) and (3) (personnel suppliers: duty to refer);
- (k) section 37(2) (regulated activity providers: duty to provide information on request &c.);
- (l) section 39(1) and (5) (local authorities: duty to refer);
- (m) section 40(2) (local authorities: duty to provide information on request);
- (n) section 41(1) and (5) (registers: duty to refer);
- (o) section 42(2) (registers: duty to provide information on request);
- (p) section 44(7) (registers: power to apply for vetting information);
- (q) section 45(1) and (5) (supervisory authorities: duty to refer);
- (r) section 46(1)(a) and (2) (supervisory authorities: duty to provide information on request);
- (s) section 47(7) (supervisory authorities: power to apply for vetting information);
- (t) section 48(7) and (8) (supervisory authorities: notification of barring &c. in respect of children);
- (u) section 49(7) and (8) (supervisory authorities: notification of barring &c. in respect of vulnerable adults);
- (v) paragraphs 19(1)(b) and 21 of Schedule 3 (barred lists) and section 2(4) (barred lists) in so far as it relates to those paragraphs;
- (w) paragraphs 2(1)(f) and 7(1)(f) of Schedule 4 (regulated activity) and section 5(1) and (2) (regulated activity) in so far as it relates to those paragraphs;
- (x) paragraphs 1(1), 2(1)(a), 3(1)(c) and (2), 4(1)(c) and (2), 5, 6(1)(c) and (2), 7(1)(c) and (2), 8, 9(1)(c) and (2) and 10(1)(c) and (2) of Schedule 5 (appropriate verification);
- (y) paragraph 2(1) of Schedule 6 (employment businesses: failure to check) and section 12(1) (personnel suppliers: failure to check) in so far as it relates to that paragraph;
- (z) paragraph 1 of Schedule 7 (vetting information).

(a) Paragraph 15 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 amends sections 56 and 75 of the Data Protection Act 1998 (c.29).

Provisions coming into force on 19th May 2008 for the purposes of making orders under the Safeguarding Vulnerable Groups Act 2006

5. 19th May 2008 is the day appointed for the coming into force of the following provisions of the Act for the purposes of making orders—

- (a) section 3(2)(b) and (3)(b) (barred persons);
- (b) section 5(3) and (4) (regulated activity);
- (c) section 6(12) (regulated activity providers);
- (d) section 12(2) (personnel suppliers: failure to check);
- (e) section 31(6) (meaning of relevant information in section 30);
- (f) section 41(8) (registers: duty to refer);
- (g) section 43(7) (registers: notice of barring and cessation of monitoring);
- (h) section 44(6) (registers: power to apply for vetting information);
- (i) section 45(9) (supervisory authorities: duty to refer);
- (j) section 47(6) (supervisory authorities: power to apply for vetting information);
- (k) section 48(6) (supervisory authorities: notification of barring &c. in respect of children);
- (l) section 49(6) (supervisory authorities: notification of barring &c. in respect of vulnerable adults);
- (m) section 54(1) and (2) (devolution: alignment);
- (n) section 58(6) (family and personal relationships);
- (o) paragraphs 6(1)(b), (2) and (3), 12(1)(b), (2) and (3) and 16(5) of Schedule 3 (barred lists) and section 2(2), (3) and (4) (barred lists) in so far as it relates to those paragraphs;
- (p) paragraphs 6 and 9 of Schedule 4 (regulated activity);
- (q) paragraph 14 of Schedule 5 (appropriate verification);
- (r) paragraph 5 of Schedule 6 (employment businesses: failure to check) and section 12(1) (personnel suppliers: failure to check) in so far as it relates to that paragraph;
- (s) paragraph 2 of Schedule 7 (vetting information).

14th May 2008

Kevin Brennan
Parliamentary Under Secretary of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third Commencement Order made under the Safeguarding Vulnerable Groups Act 2006 (“the Act”). Article 2 of this Order brings fully into force section 4 of the Act, which makes provision for appeals against decisions of the Independent Barring Board to include an individual in, or not to remove them from, one of the barred lists. The Independent Barring Board is established under section 1 of the Act. The barred lists are the children’s barred list and the adults’ barred list established and maintained under section 2 of the Act.

Article 2 also brings into force section 25, which makes provision relating to the prescribing of fees in relation to monitoring applications under section 24, and paragraph 10 of Schedule 9 to the Act. Paragraph 10 makes amendments to the Childcare Act 2006 (c.21) which allow regulations made under section 75 of that Act to provide that a person who is barred from engaging in regulated activity with children is also disqualified from registration under the Childcare Act. Article 2 brings section 3(2)(a) of, and Schedule 4 to, the Act into force for the purposes of such regulations.

Article 3 brings into force paragraph 15 of Schedule 9 to the Act which makes amendments to the Data Protection Act 1998 (c.29). As section 66(3) of the Act provides that the amendment of an enactment in Schedule 9 to the Act has the same extent as the enactment amended, the amendment made by paragraph 15 extends to the whole of the United Kingdom.

Article 4 brings into force provisions under which the Secretary of State may make regulations. Article 5 brings into force provisions under which he may make orders.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 1 in relation to England and Wales	2nd January 2008	2007/3545 (C.153)
section 1 in relation to Northern Ireland	31st March 2008	2008/930 (C.45)
section 2(2) to (5) partially	31st December 2007	2007/3545 (C.153)
section 2 partially	11th February 2008	2007/3545 (C.153)
section 4(8)	31st December 2007	2007/3545 (C.153)
section 5(1) and (2) partially	11th February 2008	2007/3545 (C.153)
section 6 partially	11th February 2008	2007/3545 (C.153)
section 37 partially	11th February 2008	2007/3545 (C.153)
section 38 partially	11th February 2008	2007/3545 (C.153)
section 40 partially	11th February 2008	2007/3545 (C.153)
section 42 partially	11th February 2008	2007/3545 (C.153)
section 43(3) to (5) partially	11th February 2008	2007/3545 (C.153)
section 46 partially	11th February 2008	2007/3545 (C.153)
section 50 partially	11th February 2008	2007/3545 (C.153)
section 51 partially	11th February 2008	2007/3545 (C.153)
section 53 partially	11th February 2008	2007/3545 (C.153)
section 56	31st December 2007	2007/3545 (C.153)
section 57 partially	11th February 2008	2007/3545 (C.153)
section 58 partially	11th February 2008	2007/3545 (C.153)
section 59 partially, in relation to England and Wales	11th February 2008	2007/3545 (C.153)
section 59 partially, in relation to Northern Ireland	31st March 2008	2008/930 (C.45)
section 60(1) partially, in relation to England and Wales	31st December 2007	2007/3545 (C.153)

section 60(1) and (4) partially, in relation to England and Wales	11th February 2008	2007/3545 (C.153)
section 60 partially, in relation to Northern Ireland	31st March 2008	2008/930 (C.45)
section 61, in relation to England and Wales	31st December 2007	2007/3545 (C.153)
section 61 partially, in relation to Northern Ireland	31st March 2008	2008/930 (C.45)
section 62 partially	31st December 2007	2007/3545 (C.153)
section 62 in so far as not already in force	11th February 2008	2007/3545 (C.153)
section 64	31st December 2007	2007/3545 (C.153)
section 66	31st December 2007	2007/3545 (C.153)
section 67	31st December 2007	2007/3545 (C.153)
Schedule 1 in relation to England and Wales	2nd January 2008	2007/3545 (C.153)
Schedule 1 in relation to Northern Ireland	31st March 2008	2008/930 (C.45)
Schedule 2	2nd January 2008	2007/3545 (C.153)
Schedule 3		
Paragraphs 1(1), 2(1), 7(1) and 8(1) partially	31st December 2007	2007/3545 (C.153)
Paragraphs 15, 18(3)(b) and (6) and 24(1), (2) and (9)	31st December 2007	2007/3545 (C.153)
Paragraphs 1 to 14, 16, 17, 18(1), (2), (3)(a), (4) and (5), 19 to 23, 24(3) to (8) and 25 partially	11th February 2008	2007/3545 (C.153)
Schedule 4 partially	11th February 2008	2007/3545 (C.153)
Schedule 8		
Paragraphs 2 to 4, partially	31st December 2007	2007/3545 (C.153)
Paragraphs 1 to 5	11th February 2008	2007/3545 (C.153)

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