

SCHEDULE 5

Amendments to Acts of Parliament, Acts of the Scottish Parliament and Northern Ireland legislation

PART 1

Amendments to Acts of Parliament

Amendment of the Safeguarding Vulnerable Groups Act 2006

9.—(1) The Safeguarding Vulnerable Groups Act 2006⁽¹⁾ is amended in accordance with this paragraph.

(2) In section 41 (registers: duty to refer)—

(a) after subsection (4) insert the following subsections—

“(4A) Subsection (4B) applies where the keeper of a relevant register appearing in column 1 of any of entries 2 to 7, 9 and 10 of the table in subsection (7) thinks that the harm test is satisfied.

(4B) Where this subsection applies, the second condition is to be taken as satisfied if—

- (a) a relevant registration decision has effect in relation to the person and the reason, or one of the reasons, for the relevant registration decision is also the reason, or one of the reasons, for the keeper thinking the harm test is satisfied,
- (b) the person is under investigation by the body of which the keeper is the registrar in relation to an offence and matters relevant to that investigation are the reason, or one of the reasons, for the keeper thinking that the harm test is satisfied, or
- (c) the body of which the keeper is the registrar holds information about the person which the keeper thinks is likely, in due course—
 - (i) to lead to the making of a relevant registration decision for a reason which is the same as the reason, or one of the reasons, for the keeper thinking that the harm test is satisfied, or
 - (ii) to lead to an investigation in relation to an offence in which matters relevant to that investigation are the reason, or one of the reasons, for the keeper thinking that the harm test is satisfied.

(4C) For the purposes of subsection (4B), a relevant registration decision is a decision, however expressed—

- (a) to refuse to register a person in a relevant register,
- (b) to remove a person from a relevant register,
- (c) to suspend a person’s registration in a relevant register (whether for a specified period or pending the outcome of an investigation or the final determination of proceedings),
- (d) to make a person’s registration in a relevant register conditional on the person’s compliance with specified requirements (whether for a specified period or pending the outcome of an investigation or the final determination of proceedings),

(1) 2006 c.47.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) to annotate a person’s entry in a relevant register with a record of a formal caution or warning, or
 - (f) to agree with a person undertakings in respect of that person’s future conduct, if those undertakings are recorded in the relevant register.”; and
- (b) in the table in subsection (7)—
- (i) for entry 2 in column 1 (relevant register) substitute the following entry—

“The register of pharmacists maintained under Article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 or the register of pharmacy technicians maintained under Article 21(1) of that Order”,
 - (ii) for the corresponding entry in column 2 (keeper of the register) substitute the following entry—

“The registrar appointed under Article 9(1) of that Order”, and
 - (iii) in entry 3, in column 1, for “Either of” substitute “Any of”.
- (3) In section 43 (registers: notice of barring and cessation of monitoring), in subsection (6)(a), omit “of entry 1 or 8”.
- (4) In section 44 (registers: power to apply for vetting information), in subsection (4)(a), omit “of entry 1 or 8”.