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STATUTORY INSTRUMENTS

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**2009 No. 2611**

**The Safeguarding Vulnerable Groups Act  
2006 (Commencement No. 6, Transitional  
Provisions and Savings) Order 2009**

**PART 3**

Transitional provisions and savings

**Transitional provisions and savings: Protection of Children Act 1999**

5.—(1) Despite the commencement under article 2 of the repeal of—

- (a) provisions of POCA, and
- (b) the other related provisions,

those provisions continue to have effect in relation to a person falling within paragraph (4) (“P”) for any of the purposes specified in paragraph (2) until one of the matters described in paragraph (5) applies to P.

(2) The provisions mentioned in paragraph (1) continue to have effect for the purposes of—

- (a) keeping the list under section 1 of POCA;
- (b) including P in that list;
- (c) providing for the effect of P’s inclusion in that list in accordance with section 7 of that Act;
- (d) determining whether P is to be removed from that list and providing for P’s removal.

(3) For the purposes of paragraph (2)(d), the reference to determining whether P is to be removed from the list includes consideration of whether P should be removed on an appeal under section 4 of that Act or on an application under section 4A of that Act.

(4) P is a person—

- (a) who immediately before 12th October 2009 is included (provisionally or otherwise) in the list kept under section 1 of POCA, and
- (b) in relation to whom none of the matters described in paragraph (5)(b) to (e) has occurred before that date.

(5) The matters referred to in paragraph (1) are—

- (a) P is removed from the list kept under section 1 of POCA in accordance with a provision of that Act;
- (b) P is included in the children’s barred list pursuant to article 2(2)(a) of the 2008 Order and either—
  - (i) IBB is not required under article paragraph (2)(b) of article 2 of that Order to give P the opportunity to make representations as to why P should be removed from that list, or

- (ii) where IBB is required under that paragraph to give P the opportunity to make such representations, IBB decides under that article not to remove P from that list;
  - (c) P is included in the children’s barred list other than in accordance with article 2(2)(a) of the 2008 Order;
  - (d) in accordance with article 2(4) of the 2008 Order, IBB removes P from the children’s barred list;
  - (e) where P is referred to IBB in accordance with article 3 of the 2008 Order, IBB makes a decision not to include P in the children’s barred list.
- (6) Section 3 of the Act does not apply to P until the provisions referred to in paragraph (1) cease to have effect in relation to P in accordance with this article.
- (7) In paragraph (1) “the other related provisions” means—
- (a) the following provisions of CSA—
    - (i) sections 82(4) to (7), 83(4) to (7) and 85(1) to (6), in so far as those provisions apply by virtue of sections 2C of POCA to the inclusion of persons in the list kept under section 1 of that Act; and
    - (ii) sections 94 to 98 and paragraph 26 of Schedule 4;
  - (b) paragraphs 155, 157 and 158 of Schedule 7 to CJCSA;
  - (c) paragraph 121 of Schedule 21 to EA 2002, in so far as the amendments made by those provisions are relevant to the provisions of section 7 of POCA affecting persons included in the list under section 1 of that Act;
  - (d) paragraphs 122(a) and 123 of Schedule 21 to EA 2002;
  - (e) section 189(1) of the Health and Social Care (Community Health and Standards) Act 2003(1), in so far the amendment made by that provision is relevant to the provisions of section 7 of POCA affecting persons included in the list under section 1 of that Act.