
STATUTORY INSTRUMENTS

2010 No. 1101

The Safeguarding Vulnerable Groups Act 2006
(Commencement No. 6, Transitional Provisions and Savings
(Amendment)) and (Commencement No. 7) Order 2010

PART 3

Amendment of the Safeguarding Vulnerable Groups Act 2006
(Commencement No. 6, Transitional Provisions and Savings) Order 2009

Amendment of article 5 of the 2009 Order (transitional provisions and savings: Protection of Children Act 1999)

8.—(1) Article 5 of the 2009 Order is amended in accordance with this article.

(2) At the end of paragraph (5)(a) insert—

“and—

- (i) there is no outstanding appeal relating to P’s removal from the list, and
- (ii) the period of time during which any appeal relating to the removal of P from the list may be made has expired”.

(3) For paragraph (5)(b) substitute—

“(b) P is included in the children’s barred list pursuant to article 2(2)(a) of the 2008 Order and—

- (i) ISA is not required under paragraph (2)(b) of article 2 of the 2008 Order to give P the opportunity to make representations as to why P should be removed from that list, or
- (ii) where ISA is required under that paragraph to give P the opportunity to make such representations, it decides under that article not to remove P from that list, and
- (iii) where paragraph (i) or (ii) applies—
 - (aa) there is no outstanding review of, or outstanding determination relating to, P’s inclusion in the list kept under section 1 of POCA,
 - (bb) there is no outstanding appeal relating to P’s inclusion in that list, and
 - (cc) the period of time during which any appeal relating to P’s inclusion in that list may be made has expired.”.

(4) After paragraph (5) insert—

“(5A) Where P has been included in the children’s barred list in accordance with article 2(2)(a) of the 2008 Order and where paragraph (5)(a) is satisfied at any time whilst P is so included, ISA must remove P from the list unless it is satisfied that paragraph 1 or 2 of Schedule 3 to the Act (prescribed criteria for automatic inclusion in the children’s barred list) applies to P.”.

Status: This is the original version (as it was originally made).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

(5) After paragraph (7) insert—

“(8) For the purposes of paragraph (5)(b)(iii)(aa), “outstanding review” means a review being carried out by the Secretary of State for the purposes of determining whether P should be removed from the list pursuant to section 1(3) of POCA and “outstanding determination” means an application being considered by the First-tier Tribunal under section 4A of that Act.”.