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STATUTORY INSTRUMENTS

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**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

6. The 2009 Order is amended in accordance with articles 7 to 11.

**Amendment of article 1 of the 2009 Order (interpretation)**

7. At the appropriate place in paragraph (2) of article 1 of the 2009 Order insert—
- ““disqualified from working with children” means disqualified from working with children for the purposes of Part II of CJCSA;
- “First-tier Tribunal” means the tribunal established under section 3(1) of the Tribunals, Courts and Enforcement Act 2007(1)

**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.”.

(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.”.

**Amendment of article 6 of the 2009 Order (transitional and savings provisions: Care Standards Act 2000)**

9.—(1) Article 6 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 adults’ barred list pursuant to article 4(2)(a) of the 2008 Order and—

- (i) ISA is not required under paragraph (2)(b) of article 4 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 81 of CSA,
- (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 adults’ barred list in accordance with article 4(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 7 or 8

of Schedule 3 to the Act (prescribed criteria for automatic inclusion in the adults' barred list) applies to P.”.

(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 81(3) of CSA and “outstanding determination” means an application being considered by the First-tier Tribunal under section 87 of that Act.”.

### **Amendment of article 7 of the 2009 Order (transitional and savings provisions: Education Act 2002)**

10.—(1) Article 7 of the 2009 Order is amended in accordance with this article.

(2) At the end of paragraph (4)(a) insert—

“and—

- (i) there is no outstanding appeal relating to the revocation of the direction, and
- (ii) the period of time during which any appeal relating to the revocation of the direction may be made has expired”.

(3) For paragraph (4)(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, a direction to which P is subject,
  - (bb) there is no outstanding appeal relating to a direction made in relation to P, and
  - (cc) the period of time during which any appeal relating to a direction made in relation to P may be made has expired;”.

(4) After paragraph (4) insert—

“(4A) 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 (4)(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.”.

(5) After paragraph (6) insert—

“(7) For the purposes of paragraph (4)(b)(iii)(aa), “outstanding review” means a review being carried out for the purposes of determining whether a direction made in relation to P should be varied or revoked under section 142(6) of EA 2002 and “outstanding determination” means an application being considered by the First-tier Tribunal under section 144(2) of that Act.”.

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

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**Minor amendments of the 2009 Order (article 3 and the Schedule to that Order)**

- 11.**—(1) In article 3(4)(b) of the 2009 Order, for “paragraph” substitute “article”.
- (2) In column 2 of the Schedule to the 2009 Order—
- (a) in the entry that corresponds to the reference in column 1 to “Section 22”, for “to 37” substitute “, 36”;
  - (b) in the entry that corresponds with the reference in column 1 to “Schedule 10”, for “CJSA” substitute “CJCSA”.