

---

STATUTORY INSTRUMENTS

---

**2010 No. 1146**

**The Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010**

**Amendment of the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009**

9.—(1) The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009(1) are amended as follows.

(2) In regulation 1—

(a) for paragraphs (6) and (7), substitute—

“(6) In regulations 3 to 6—

(a) a reference to an offence, A, specified in the Schedule includes a reference to an offence, B, which in relation to offence A is a connected offence, and

(b) a reference to being convicted of an offence specified in the Schedule includes a reference to being convicted of—

(i) an Islands offence, or

(ii) a relevant foreign offence.

(7) In paragraph (6)(b), an Islands offence is an offence satisfying the criteria in paragraph (7A) and a relevant foreign offence is an offence satisfying the criteria in paragraph (8).

(7A) The criteria are that—

(a) the offence is one under the law in force in the Isle of Man or any of the Channel Islands;

(b) the conduct which constitutes the offence would, if carried out in England and Wales, amount to an equivalent offence which is specified in the Schedule; and

(c) where the equivalent offence is one specified in paragraph 1(a) to (c), (e) or (g) (i), 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) or 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule, the offence was committed in relevant circumstances relating to the equivalent offence.”; and

(b) after paragraph (8), insert—

“(8A) For the purposes of paragraph (7A), an act punishable under the law in force in the Isle of Man or any of the Channel Islands constitutes an offence under that law however it is described in that law.”.

(3) In paragraph 2 of the Schedule(2), in Part 2 of the table omit—

(a) “Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, section 9”, and

---

(1) [S.I. 2009/37](#) as amended by [S.I. 2009/2610](#).

(2) The offences specified in paragraph 2 of the Schedule are prescribed by regulation 4(5) of the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 as a criterion for automatic inclusion in the children’s barred list with the right to make representations.

- (b) “Sexual Offences (Scotland) Act 1976, section 3”.
- (4) In paragraph 4 of the Schedule(3), in Part 1 of the table—
- (a) at the appropriate places in the first column, insert—
- (i) “Sexual Offences Act 2003(4), section 66”,
  - (ii) “Sexual Offences Act 2003, section 67”,
  - (iii) “Sexual Offences (Northern Ireland) Order 2008(5), Article 70”, and
  - (iv) “Sexual Offences (Northern Ireland) Order 2008, Article 71”;
- (b) in the second column, at places that correspond with each of the entries mentioned in subparagraph (a), insert “The offence was committed against a child under the age of 16”;
- (c) in the first column, omit—
- (i) “Sexual Offences Act 1956, section 1”, and
  - (ii) “Sexual Offences Act 2003, section 1”; and
- (d) in the second column, omit the entries that correspond with the entries mentioned in subparagraph (c).
- (5) In paragraph 4 of the Schedule, in Part 2 of the table—
- (a) omit—
- (i) “Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, section 9”,
  - (ii) “Sexual Offences Act 2003, section 66”,
  - (iii) “Sexual Offences Act 2003, section 67”,
  - (iv) “Sexual Offences (Northern Ireland) Order 2008, Article 70”, and
  - (v) “Sexual Offences (Northern Ireland) Order 2008, Article 71”; and
- (b) at the appropriate places in the first column insert—
- (i) “Sexual Offences Act 1956, section 1(6)”, and
  - (ii) “Sexual Offences Act 2003, section 1”.
- (6) Article 24(3)(b) of the Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous Provisions and Commencement No. 5) Order 2009(7) is revoked.

---

(3) The offences specified in paragraph 4 of the Schedule are prescribed by regulation 6(b) of the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 as a criterion for automatic inclusion in the adults’ barred list with the right to make representations.

(4) 2003 c. 42.

(5) S.I. 2008/1769 (N.I. 2).

(6) 1956 c. 69. Section 1 was substituted by section 142 of the Criminal Justice and Public Order Act 1994 (c.33) and repealed by paragraph 11 of Schedule 6 to the Sexual Offences Act 2003.

(7) S.I. 2009/2610.