

These notes refer to the Safeguarding Vulnerable Groups Act 2006 (c.47) which received Royal Assent on 8 November 2006

SAFEGUARDING VULNERABLE GROUPS ACT 2006

EXPLANATORY NOTES

GENERAL

Section 61: Orders and regulations

159. This section provides for most of the powers in the Act to make subordinate legislation to be subject to the negative resolution procedure. The exceptions that have to be subject to the affirmative resolution procedure are instruments:
- a. varying the definition of regulated activity;
 - b. extending the period during which those engaged in the activities set out in section 16(1)(b) to (e) are exempt from the requirement to become subject to monitoring. In the Act this period is set at three years from commencement of any part of section 16;
 - c. varying the definition of controlled activity in relation to children;
 - d. varying the definition of controlled activity in relation to vulnerable adults;
 - e. making provision for who may engage in controlled activity, the steps that a person must take in engaging another person in controlled activity, and the circumstances in which a person must not engage another person in controlled activity;
 - f. amending any Act or conferring a power to make subordinate legislation in consequence of or having regard to Scottish or Northern Ireland legislation that makes provision equivalent to that in this Act;
 - g. amending, repealing or revoking any enactment through the powers to make supplementary, incidental, consequential, transitory, transitional or saving provision under section 64(1) and (2);
 - h. prescribing the criteria for automatic inclusion in a barred list;
 - i. prescribing the conditions under which a person's case should be considered by Scottish Ministers and not by the IBB;
 - j. amending what constitutes obtaining appropriate verification (that a person is subject to monitoring) in Schedule 5 for the purpose of section 11.

Section 62: Transitional provision

160. This section gives effect to Schedule 8, which provides powers to transfer individuals who are barred under current schemes to the new barred lists as appropriate.