



# Safeguarding Vulnerable Groups Act 2006

## 2006 CHAPTER 47

### *Restrictions on participating in regulated activity*

#### **10 Use of person not subject to monitoring for regulated activity**

- (1) A regulated activity provider commits an offence if—
  - (a) he permits an individual (B) to engage in regulated activity in relation to which B is not subject to monitoring,
  - (b) he knows or has reason to believe that B is not subject to monitoring in relation to that activity, and
  - (c) B engages in the activity.
- (2) A personnel supplier commits an offence if—
  - (a) he supplies an individual (B) to another (P),
  - (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity in relation to which B is not subject to monitoring, and
  - (c) he knows or has reason to believe that B is not subject to monitoring in relation to that activity.
- (3) For the purposes of subsection (2)(b), Schedule 4 is modified as follows—
  - (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
  - (b) in paragraph 7(1), the words “if it is carried out frequently by the same person or the period condition is satisfied” must be disregarded;
  - (c) in paragraph 7(4), paragraph (a) must be disregarded.
- (4) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) A person does not commit an offence under subsection (1) or (2) if B has not attained the age of 16.
- (6) A person does not commit an offence under subsection (1) if, in relation to any continuous period for which B is permitted to engage in the regulated activity—
  - (a) the permission is first given before the commencement of this section, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) it continues to have effect after such commencement.
- (7) A person does not commit an offence under subsection (1) if—
- (a) he falls within section 17,
  - (b) the permission mentioned in subsection (1) commences at a time when B is engaged in relevant NHS employment mentioned in section 17(1)(b) in circumstances mentioned in subsection (6), and
  - (c) for the duration of the permission mentioned in subsection (1), B continues to be engaged in that relevant NHS employment.
- (8) Subsection (6) or (7) does not apply in respect of permission which continues to have effect after such date as the Secretary of State specifies by order.
- (9) A person does not commit an offence under subsection (1) or (2) if the regulated activity—
- (a) is regulated activity relating to vulnerable adults, and
  - (b) falls within section 16.
- (10) In determining what is the appropriate sentence to pass in respect of a person who is convicted of an offence under this section in a case where the regulated activity falls within paragraph 1(1) or (2) or 7(1) or (4) of Schedule 4 the court must consider the extent to which the offender had regard to any guidance issued by the Secretary of State as to the circumstances in which an activity is carried out frequently.
- (11) A person is not guilty of an offence by virtue of subsection (2) in relation to any period during which B is continuously supplied to another if the period begins before the commencement of this section.
- (12) Subsection (11) does not have effect in respect of permission which continues to have effect after such date as the Secretary of State specifies by order.