

## SCHEDULE

Regulation 2(b)

### Provisions to be inserted after regulation 5

#### “Enhanced criminal record certificates: prescribed purposes

**5A.** The purposes for which an enhanced criminal record certificate may be required in accordance with a statement made by a registered person under section 113B (2)(b) of the Act are prescribed as follows, namely the purposes of—

- (a) considering the applicant’s suitability for a position which involves regularly caring for, training, supervising, or being solely in charge of, persons aged under 18;
- (b) considering the applicant’s suitability for a position which involves regularly caring for, training, supervising, or being in sole charge of, a person aged 18 or over who is a vulnerable adult within the meaning given by regulation 5B below;
- (c) obtaining or holding a certificate for the purposes of sections 19 or 27(1) or (5) of the Gaming Act 1968(1) (gaming);
- (d) obtaining or holding a certificate of consent, or a licence, for any of the purposes of Schedule 2 to that Act (licences);
- (e) registration or certification in accordance with Schedule 1A, 2 or 2A to the Lotteries and Amusements Act 1976(2) (societies, schemes and lottery managers);
- (f) obtaining or holding a licence under section 5 or 6 of the National Lottery etc Act 1993(3) (running or promoting lotteries);
- (g) registration under section 71 of the Children Act 1989(4), registration for child minding or providing day care under Part XA of that Act, or registration under, or the holding of a certificate under, section 79W of that Act;
- (h) registration under Part II of the Care Standards Act 2000(5) (establishments and agencies);
- (i) registration under Part IV of that Act (social care workers);
- (j) placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the Children (Northern Ireland) Order 1995 or the exercise of any duty under or by virtue of, section 68 of that Act or article 108 of that Order (welfare of privately fostered children);
- (k) a decision made by an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002(6) as to a person’s suitability to adopt a child;
- (l) considering an individual’s suitability to be included in, or to remain in, the health service list specified in regulation 5C(1) below;
- (m) considering—
  - (i) the suitability of a director of a body corporate to be included in, or to remain in, sub-paragraph (b) or (c) of that list;
  - (ii) the suitability of a member of a limited liability partnership to be included in, or to remain in, sub-paragraph (c) of that list, or

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(1) 1968 c. 65.  
(2) 1976 c. 32.  
(3) 1993 c. 39.  
(4) 1989 c. 41.  
(5) 2000 c. 14.  
(6) 2002 c. 38.

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

- (iii) the suitability of a member of the body of persons controlling a body corporate (whether or not a limited liability partnership) to be included in, or to remain in, sub-paragraph (d) of that list;
- (n) considering an individual's suitability to be included in, or to remain in, the health service list specified in regulation 5C(2) below, or
- (o) considering the suitability of an individual for a position in a school within the meaning of section 4 of the Education Act 1996<sup>(7)</sup>.

#### Vulnerable Adult

**5B.**—(1) The reference to a vulnerable adult in regulation 5A(b) above is a reference to a person who is receiving services of a type listed in paragraph (2) below and who, in consequence of a condition of a type listed in paragraph (3) below, has a disability of a type listed in paragraph (4) below.

(2) The services are—

- (a) accommodation and nursing or personal care in a care home;
- (b) personal care or nursing or support to live independently in his own home;
- (c) any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body;
- (d) social care services, or
- (e) any services provided in an establishment catering for a person with learning difficulties.

(3) The conditions are—

- (a) a learning or physical disability;
- (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs, or
- (c) a reduction in physical or mental capacity.

(4) The disabilities are—

- (a) a dependency on others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
- (b) severe impairment in the ability to communicate with others, or
- (c) impairment in a person's ability to protect himself from assault, abuse or neglect.

(5) In this regulation “care home”, “independent clinic”, “independent hospital”, “independent medical agency” and “National Health Service body” all have the same meaning as in the Care Standards Act 2000.

#### Health Service lists

**5C.**—(1) The list referred to in regulation 5A (l) above is any list prepared for the purposes of Part 2 of the National Health Service Act 1977<sup>(8)</sup> of—

- (a) medical practitioners undertaking to provide general medical services;
- (b) persons undertaking to provide general dental services;
- (c) persons undertaking to provide general ophthalmology services, or

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(7) 1996 c. 56.

(8) 1977 c. 49.

(d) persons undertaking to provide pharmaceutical services.

(2) The list referred to in regulation 5A (n) above is any list prepared by a Primary Care Trust or Health Authority under—

(a) section 28DA of the National Health Service Act 1977 ( ) or section 8ZA of the National Health Service Act 1977 ( ) or section 8ZA of the National Health Service (Primary Care) Act 1997 (lists of persons who may perform personal medical or personal dental services), or

(b) section 43D of the 1977 Act (supplementary lists),

or any list corresponding to a list referred to in sub-paragraph (a) above prepared by a Primary Care Trust or Health Authority by virtue of regulations made under section 41 of the Health and Social Care Act 2001<sup>(9)</sup> (which provides for the application of enactments in relation to local pharmaceutical services).”

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<sup>(9)</sup> 2001 c. 15.