

SCHEDULES

SCHEDULE 3

Article 15

APPROPRIATE VERIFICATION

PART I

DEFAULT POSITION

1.—(1) A regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period—

- (a) he obtains relevant information relating to B in pursuance of an application under Article 32, or
 - (b) he obtains a copy of an enhanced criminal record certificate relating to B issued in relation to the regulated activity provider.
- (2) “Relevant information” means—
- (a) in relation to regulated activity relating to children, relevant information relating to children (within the meaning of Article 33);
 - (b) in relation to regulated activity relating to vulnerable adults, relevant information relating to vulnerable adults (within the meaning of Article 33).

2.—(1) A regulated activity provider obtains an appropriate verification in accordance with this Part if—

- (a) an enhanced criminal record certificate relating to B is issued during the prescribed period,
 - (b) the application for the certificate is countersigned on behalf of the regulated activity provider by a registered person (within the meaning of Part 5 of the Police Act 1997 (c. 50)), and
 - (c) the regulated activity provider obtains from the registered person the information mentioned in sub-paragraph (2) derived from the certificate.
- (2) The information is—
- (a) whether B is subject to monitoring, and
 - (b) whether IBB is considering whether to include B in a barred list in pursuance of paragraph 3 or 5 or (as the case may be) 9 or 11 of Schedule 1.

3.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in an activity that is regulated activity,
- (b) B engages in the activity with the permission of that and another regulated activity provider (C), and
- (c) the permission mentioned in paragraph (a) does not have continuous effect for a period exceeding the prescribed period.

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(2) The regulated activity provider mentioned in sub-paragraph (1)(a) obtains an appropriate verification in accordance with this Part if, during the prescribed period, he obtains written confirmation from C—

- (a) that C is appropriately registered in relation to B,
- (b) that C has no reason to believe that B is barred from the activity, and
- (c) that C has no reason to believe that B is not subject to monitoring in relation to the activity.

4.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in regulated activity,
- (b) B is supplied by a personnel supplier, and
- (c) the permission does not have continuous effect for a period exceeding the prescribed period.

(2) The regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period, he obtains written confirmation from the personnel supplier—

- (a) that the personnel supplier is appropriately registered in relation to B,
- (b) that the personnel supplier has no reason to believe that B is barred from the activity, and
- (c) that the personnel supplier has no reason to believe that B is not subject to monitoring in relation to the activity.

PART II

PRESCRIBED VERIFICATION

5. A regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period—

- (a) he ascertains in the prescribed manner whether B is subject to monitoring in relation to the activity, and
- (b) he takes prescribed steps to have an enhanced criminal record certificate relating to B issued in relation to him.

6.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in an activity that is regulated activity,
- (b) B engages in the activity with the permission of that and another regulated activity provider (C), and
- (c) the permission mentioned in paragraph (a) does not have continuous effect for a period exceeding the prescribed period.

(2) The regulated activity provider mentioned in sub-paragraph (1)(a) obtains an appropriate verification in accordance with this Part if he obtains from C—

- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to C during the prescribed period, and
- (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.

(3) The confirmation is written confirmation—

- (a) that C is appropriately registered in relation to B,
- (b) that C has no reason to believe that B is barred from the activity,

- (c) that C has no reason to believe that B is not subject to monitoring in relation to the activity, and
- (d) that no information has been disclosed to C in pursuance of section 113B(6)(b) of the Police Act 1997 (c. 50) in connection with the enhanced criminal record certificate.

7.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in regulated activity,
- (b) B is supplied by a personnel supplier, and
- (c) the permission does not have continuous effect for a period exceeding the prescribed period.

(2) The regulated activity provider obtains an appropriate verification in accordance with this Part if he obtains from the personnel supplier—

- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to the personnel supplier during the prescribed period, and
- (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.

(3) The confirmation is written confirmation—

- (a) that the personnel supplier is appropriately registered in relation to B,
- (b) that the personnel supplier has no reason to believe that B is barred from the activity,
- (c) that the personnel supplier has no reason to believe that B is not subject to monitoring in relation to the activity, and
- (d) that no information has been disclosed to the personnel supplier in pursuance of section 113B(6)(b) of the Police Act 1997 (c. 50) in connection with the enhanced criminal record certificate.

PART III

PRESCRIBED VERIFICATION

8. A regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period, he obtains a copy of an enhanced criminal record certificate relating to B issued in relation to the regulated activity provider.

9.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in an activity that is regulated activity,
- (b) B engages in the activity with the permission of that and another regulated activity provider (C), and
- (c) the permission mentioned in paragraph (a) does not have continuous effect for a period exceeding the prescribed period.

(2) The regulated activity provider mentioned in sub-paragraph (1)(a) obtains an appropriate verification in accordance with this Part if he obtains from C—

- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to C during the prescribed period, and
- (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.

(3) The confirmation is written confirmation—

- (a) that C is appropriately registered in relation to B,

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- (b) that C has no reason to believe that B is barred from the activity,
- (c) that C has no reason to believe that B is not subject to monitoring in relation to the activity, and
- (d) that no information has been disclosed to C in pursuance of section 113B(6)(b) of the Police Act 1997 in connection with the enhanced criminal record certificate.

10.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in regulated activity,
- (b) B is supplied by a personnel supplier, and
- (c) the permission does not have continuous effect for a period exceeding the prescribed period.

(2) The regulated activity provider obtains an appropriate verification in accordance with this Part if he obtains from the personnel supplier—

- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to the personnel supplier during the prescribed period, and
- (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.

(3) The confirmation is written confirmation—

- (a) that the personnel supplier is appropriately registered in relation to B,
- (b) that the personnel supplier has no reason to believe that B is barred from the activity,
- (c) that the personnel supplier has no reason to believe that B is not subject to monitoring in relation to the activity, and
- (d) that no information has been disclosed to the personnel supplier in pursuance of section 113B(6)(b) of the Police Act 1997 (c. 50) in connection with the enhanced criminal record certificate.

PART IV

DEFINITIONS AND POWER TO AMEND

11. In this Schedule “enhanced criminal record certificate” means—

- (a) in relation to regulated activity relating to children, an enhanced criminal record certificate issued under the Police Act 1997 containing suitability information relating to children (within the meaning of section 113BA of that Act);
- (b) in relation to regulated activity relating to vulnerable adults, an enhanced criminal record certificate issued under that Act containing suitability information relating to vulnerable adults (within the meaning of Article 113BB of that Act).

12. For the purposes of this Schedule an enhanced criminal record certificate is issued in relation to a regulated activity provider, or personnel supplier, only if—

- (a) he countersigned the application for the certificate as a registered person for the purposes of Part 5 of the Police Act 1997, or
- (b) the application was countersigned on his behalf by such a person.

13. For the purposes of this Schedule a regulated activity provider, or personnel supplier, is “appropriately registered” in relation to B if—

- (a) he is registered in relation to B under Article 34,

- (b) his registration relates to monitoring in relation to the activity that he has permitted or supplied B to engage in, and
- (c) he has notified the Secretary of State of the address to which communications are to be sent in connection with his registration.

14. The Secretary of State may by order amend the preceding provisions of this Schedule for the purpose of altering what constitutes obtaining an appropriate verification.