
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Transitional Provisions) Regulations 2008

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Transitional Provisions) Regulations 2008 and come into force on 7th April 2008.

(2) In these Regulations—

“the Act” means the Safeguarding Vulnerable Groups Act 2006;

“connected offence” means, in relation to an offence specified in the Schedule, an offence of—

- (a) attempting, conspiring or incitement to commit that offence, or
- (b) aiding, abetting, counselling or procuring the commission of that offence;

“disqualification order” means an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000⁽¹⁾;

“relevant circumstances” means—

- (a) in relation to an offence specified in sub-paragraph (a) or (b) of paragraph 1 of the Schedule, the circumstances described in the relevant sub-paragraph which relate to the commission of that offence, and
- (b) in relation to an offence specified in sub-paragraph (c), (e) or (g)(i) of that paragraph, the circumstances referred to in the relevant sub-paragraph in relation to the commission of that offence.

(3) In regulation 2, a reference to an offence specified in paragraph 1(a) to (c), (e) or (g)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(4) In regulations 2 and 3, a reference to an offence specified in the Schedule includes a reference to an offence which is a connected offence in relation to the specified offence.

(5) For the purposes of regulations 2 and 3, an offence committed over a period of time must be treated as having been committed on the last day of that period.

Prescribed criteria – children’s barred list

2.—(1) The criteria prescribed for the purposes of paragraph 1 of Schedule 3 to the Act as it has effect for the purposes of article 2(7) of the Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008⁽²⁾ are that the person has been convicted of, or cautioned in relation to, an offence specified in paragraph 1 of the Schedule which that person committed within the period of 10 years ending on the day that the Secretary of State refers the person to IBB under article 2(1)(c) of that Order for inclusion in the children’s barred list.

(1) 2000 c.43; section 29A was inserted by paragraph 2 of Schedule 30 to the Criminal Justice Act 2003 (c.44). An order of the court made under section 28, 29 or 29A disqualifies the person in respect of whom it is made from working with children.
(2) S.I. 2008/473.

(2) Paragraph 1 does not apply in relation to the commission of an offence specified in paragraph 1 of the Schedule if the court, having considered whether to make a disqualification order in relation to that commission of that offence, decided not to.

Prescribed criteria – adults’ barred list

3. The criteria prescribed for the purposes of paragraph 7 of Schedule 3 to the Act as it has effect for the purposes of article 4(7) of the Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008 are that the person has been convicted of, or cautioned in relation to, an offence specified in paragraph 2 of the Schedule which that person committed within the period of 10 years ending on the day that the Secretary of State refers the person to IBB under article 4(1)(c) of that Order for inclusion in the adults’ barred list.

	<i>Name</i>
2008	Parliamentary Under Secretary of State Department for Children, Schools and Families