



# Safeguarding Vulnerable Groups Act 2006

## 2006 CHAPTER 47

### *Controlled activity*

#### **22 Controlled activity relating to vulnerable adults**

- (1) A reference to a controlled activity relating to vulnerable adults must be construed in accordance with this section.
- (2) An activity which is ancillary to or is carried out wholly or mainly in relation to an activity which falls within subsection (4) is a controlled activity to the extent that it is not a regulated activity relating to vulnerable adults if—
  - (a) it is carried out frequently by the same person or it is carried out by the same person on more than [<sup>F1</sup>three] days in any period of 30 days, and
  - (b) it gives the person an opportunity mentioned in subsection (5).
- (3) An activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in subsection (2) is also a controlled activity relating to vulnerable adults.
- (4) Each of the following falls within this subsection—
  - (a) the provision of primary care services;
  - (b) the provision of hospital services;
  - (c) the provision of domiciliary care;
  - (d) the making of arrangements in connection with an adult placement scheme;
  - (e) the provision of community care services;
  - (f) the making of payments under section 57 of the Health and Social Care Act 2001 (c. 15);
  - (g) such other activity as is prescribed.
- (5) The opportunities are—
  - (a) opportunity to have any form of contact with a vulnerable adult;
  - (b) opportunity to have access to the health records or social services records (within the meaning of section 21(11)) of a vulnerable adult;

*Status: Point in time view as at 31/03/2010. This version of this provision has been superseded.*

*Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Section 22 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) opportunity to have access to such other information as may be prescribed relating to a vulnerable adult.

(6) In this section—

“adult placement scheme” means a scheme—

- (a) under which an individual agrees with the person carrying on the scheme to provide care or support (which may include accommodation) to an adult who is in need of it, and
- (b) in respect of which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14);

“community care services” has the same meaning as in section 46(3) of the National Health Service and Community Care Act 1990 (c. 19);

“domiciliary care” must be construed in accordance with section 59(4) and (5);

“hospital services” means in-patient or out-patient services provided by—

- (a) a National Health Service trust;
- (b) an NHS foundation trust;
- (c) a Local Health Board;
- (d) a Primary Care Trust;
- (e) an independent hospital (within the meaning of section 2 of the Care Standards Act 2000);
- (f) an independent clinic (within the meaning of that section);
- (g) an independent medical agency (within the meaning of that section);

“primary care services” means any of the following—

- (a) primary medical services or primary dental services provided under the National Health Service Act 2006 (c. 41) (“the NHS Act”) or the National Health Service (Wales) Act 2006 (c. 42) (“the NHS (Wales) Act”);
- (b) general ophthalmic services provided under Part 6 of the NHS (Wales) Act;
- (c) general ophthalmic services provided in accordance with section 38 of the National Health Service Act 1977 (c. 49);
- (d) pharmaceutical services provided in pursuance of arrangements made under section 126 or 127 of the NHS Act or section 80 or 81 of the NHS (Wales) Act, or local pharmaceutical services provided under section 134 of, or Schedule 12 to, the NHS Act or under section 92 of, or Schedule 7 to, the NHS (Wales) Act;
- (e) a service which corresponds to a service mentioned in any of paragraphs (a) to (d) but which is provided otherwise than by virtue of arrangements made pursuant to an enactment mentioned in that paragraph.

#### Textual Amendments

- F1** Word in s. 22(2) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **11**

#### Commencement Information

- 11** S. 22 in force at 12.10.2009 for specified purposes by [S.I. 2009/2611](#), art. 2, **Sch.** (as amended (30.3.2010) by [S.I. 2010/1101](#), art. 11(2)(a))

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| <b>I2</b> | S. 22 in force at 30.3.2010 in so far as not already in force by <a href="#">S.I. 2010/1101, art. 3</a>                |
| <b>I3</b> | S. 22(1)-(4)(5)(a)(b)(6) in force at 20.1.2009 for specified purposes by <a href="#">S.I. 2009/39, art. 2(1)(e)(2)</a> |

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