



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Regulated activity providers

6 Regulated activity providers

- (1) A reference to a regulated activity provider must be construed in accordance with this section.
- (2) A person (P) is a regulated activity provider if—
 - (a) he is responsible for the management or control of regulated activity,
 - (b) if the regulated activity is carried out for the purposes of an organisation, his exercise of that responsibility is not subject to supervision or direction by any other person for those purposes, and
 - (c) he makes, or authorises the making of, arrangements (whether in connection with a contract of service or for services or otherwise) for another person to engage in that activity.
- (3) A person (P) is also a regulated activity provider if section 53(4) (fostering) so provides.
- (4) A person (P) is also a regulated activity provider if he carries on a scheme—
 - (a) under which an individual agrees with P 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 [^{F1}arises—
 - (i) in relation to England, under section 10 of the Health and Social Care Act 2008, or
 - (ii) in relation to Wales, under section 11 of the Care Standards Act 2000.]
- (5) P is not a regulated activity provider if he is an individual and the arrangements he makes are private arrangements.
- (6) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, P himself.

Status: Point in time view as at 01/10/2010. This version of this provision has been superseded.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Section 6 is up to date with all changes known to be in force on or before 20 June 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)

- (7) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, a child or vulnerable adult who is—
- (a) a member of P's family;
 - (b) a friend of P.
- (8) A person does not make arrangements for another to engage in a regulated activity merely because he (alone or together with others) appoints that person—
- (a) to a position mentioned in paragraph 4(1)(a), (b), (g), (h), (i), (j) or (m) or 8(1)(a), (d) or (e) of Schedule 4,
 - (b) as a deputy under section 16(2)(b) of the Mental Capacity Act 2005 (c. 9);
 - (c) as member or chief executive of [^{F2}ISA];
 - (d) to any position mentioned in paragraph (a), (b) or (f) of section 59(10) or to exercise any function mentioned in that paragraph.
- [^{F3}(8C) The Secretary of State does not make arrangements for another to engage in a regulated activity by virtue of anything the Secretary of State does under section 12A or 12D, or regulations under section 12B, of the National Health Service Act 2006 (direct payments for health services).
- (8D) A Primary Care Trust does not make arrangements for another to engage in a regulated activity by virtue of anything the Primary Care Trust does under regulations under section 12A(4) or 12B of the National Health Service Act 2006 (direct payments for after-care services).]
- (9) For the purposes of subsection (7) it is immaterial whether P is also acting in any capacity other than as a family member or friend.
- (10) If a regulated activity provider is an unincorporated association any requirement of or liability (including criminal liability) under this Act must be taken to be a requirement on or liability of—
- (a) the person responsible for the management and control of the association, or
 - (b) if there is more than one such person, all of them jointly and severally.
- (11) “Family” and “friend” must be construed in accordance with section 58.
- (12) The Secretary of State may by order provide that in specified circumstances a person who makes, or authorises the making of, arrangements (of any description) for another to engage in regulated activity either is or is not a regulated activity provider.

Textual Amendments

- F1** Words in s. 6(4)(b) substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), **art. 19(2)**
- F2** Words in s. 6 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(i), 116(5)(a)
- F3** S. 6(8C)(8D) inserted (19.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 1 para. 13**; S.I. 2010/30, **art. 2(b)**

Commencement Information

- I1** S. 6 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(c)**
- I2** S. 6 in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), **art. 2(1)(e)(2)**
- I3** S. 6 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), **art. 2**, **Sch.**

Status: Point in time view as at 01/10/2010. This version of this provision has been superseded.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Section 6 is up to date with all changes known to be in force on or before 20 June 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)

I4 S. 6(12) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(c)**

Status:

Point in time view as at 01/10/2010. This version of this provision has been superseded.

Changes to legislation:

Safeguarding Vulnerable Groups Act 2006, Section 6 is up to date with all changes known to be in force on or before 20 June 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.