
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke regulations 2 and 3 of the Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010 (“the 2010 Regulations”) which made provision as to when a responsible person (as defined in section 23(3) of the Safeguarding Vulnerable Groups Act 2006 (“the 2006 Act”)) must not permit another person to engage in a controlled activity in England relating to children or to vulnerable adults (as defined in sections 21 and 22 of the 2006 Act).

Regulation 2 also revokes regulations 4 to 8 of the 2010 Regulations which made modifications to sections 113A and 113B of the Police Act 1997 (“the 1997 Act”) which provided that the Secretary of State must issue a notification (rather than a criminal record certificate under section 113A or an enhanced criminal record certificate under section 113B of the 1997 Act) in respect of a person seeking to engage in a controlled activity where that person was not barred from engaging in a regulated activity.

These Regulations also amend the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 which prescribe the criteria which determine whether a person should be included automatically in the children’s barred list or the adults’ barred list maintained by the Independent Safeguarding Authority under section 2 of the 2006 Act.

Regulation 3(2) and (3) amends the criteria on the basis of which a person will be included automatically in the children’s barred list without having the right to make representations. Regulation 3(4) and (5) amends the criteria on the basis of which a person will be included automatically in the children’s barred list with the right to make representations.

Regulation 3(6) amends the criteria on the basis of which a person will be included automatically in the adults’ barred list without having the right to make representations. Regulation 3(7) and (8) amends the criteria on the basis of which a person will be included automatically in the adults’ barred list with the right to make representations.

In particular these amendments update the criteria for automatic inclusion on the children’s and adults’ barred lists in light of the Sexual Offences (Scotland) Act 2009 ([asp. 9](#)) and the provisions in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 ([c. 9](#)) in relation to disregarded convictions and cautions.