

Draft Order laid before Parliament under section 61(3) of the Safeguarding Vulnerable Groups Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

**CHILDREN AND YOUNG
PERSONS, ENGLAND AND WALES
PROTECTION OF VULNERABLE
ADULTS, ENGLAND AND WALES**

The Safeguarding Vulnerable Groups Act 2006 (Specified
Scottish Authority and Barred Lists) Order 2019

Made - - - - - ***

Laid before Parliament ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by paragraphs 6(2) and (3) and 12(2) and (3) of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006⁽¹⁾.

In accordance with section 61(3) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Safeguarding Vulnerable Groups Act 2006 (Specified Scottish Authority and Barred Lists) Order 2019 and comes into force on the twenty first day after the day on which it is made.

Interpretation

2. In this Order—

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

“the 2007 Act” means the Protection of Vulnerable Groups (Scotland) Act 2007⁽²⁾.

(1) 2006 c. 47. Paragraphs 6 and 12 were amended by S.I. 2012/3006. Paragraphs 6 and 12 are also amended by section 74(2) and (4) of the Protection of Freedoms Act 2012 (c. 9) but those amendments are not yet in force.
(2) 2007 asp 14, to which there are amendments not relevant to this Order.

Relevant Scottish authority

3. For the purposes of paragraphs 6(2) and 12(2) of Schedule 3 to the 2006 Act, the Scottish Ministers are specified as exercising for the purposes of the law of Scotland functions which correspond to those of DBS(3).

Barred lists

4. For the purposes of—

- (a) paragraph 6(3) of Schedule 3 to the 2006 Act, the list maintained under section 1(1)(a) of the 2007 Act (duty of Scottish Ministers to keep the children’s list) is specified as a list corresponding to the children’s barred list;
- (b) paragraph 12(3) of Schedule 3 to the 2006 Act, the list maintained under section 1(1)(b) of the 2007 Act (duty of Scottish Ministers to keep the adults’ list) is specified as a list corresponding to the adults’ barred list.

Date

Name
Parliamentary Under Secretary of State
Home Office

(3) DBS is defined in section 60(1) of the Safeguarding Vulnerable Groups Act 2006 and means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Safeguarding Vulnerable Groups Act 2006 (c. 47) (“the 2006 Act”). A person included in a specified children’s or adults’ list maintained by the Disclosure and Barring Service will be barred under the 2006 Act from regulated activity relating to the relevant group.

Under paragraphs 6 and 12 of Schedule 3 to the 2006 Act, a person must not be included in the relevant barred list in England and Wales only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground. This Order specifies a relevant Scottish authority and a corresponding list for the purposes of paragraphs 6 and 12 of Schedule 3 to the 2006 Act.

Article 3 of this Order specifies the Scottish Ministers as a relevant Scottish authority.

Article 4 specifies that the children’s list and the adults’ list maintained by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) correspond respectively to the children’s barred list and the adults’ barred list maintained under the 2006 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.