



# 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 arises—
    - (i) in relation to England, under section 10 of the Health and Social Care Act 2008, or
    - (ii) in relation to Wales, under [F1Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).]
- (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.

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- (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 [F2 paragraph 1(9) or 7(9)] of Schedule 4,
  - (b) as a deputy under section 16(2)(b) of the Mental Capacity Act 2005 (c. 9);
  - [F3](c) .....
  - (d) to any position mentioned in [F4 paragraph 7(3E)(a) or (b) of Schedule 4] or to exercise any function [F5 exercisable by virtue of that position].

[F6(8CA) A person (S) who is authorised as mentioned in subsection (5)(a) of section 50 of the Social Services and Well-being (Wales) Act 2014 does not make arrangements for another to engage in a regulated activity by virtue of anything that S does under subsection (5)(b) or (6)(b) of that section.]

[F7(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).

[F8(8D) .....

[F9(8E) [F10NHS England] or [F11an integrated care board] does not make arrangements for another to engage in a regulated activity by virtue of anything [F10NHS England] or [F12the integrated care board] does under section 12A or 12D, or regulations under section 12A or 12B, of the National Health Service Act 2006 (direct payments for health 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)(ii) substituted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **27**
- F2** Words in s. 6(8)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 46(a)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

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- F3** S. 6(8)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 46\(b\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F4** Words in s. 6(8)(d) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 46\(c\)\(i\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F5** Words in s. 6(8)(d) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 46\(c\)\(ii\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F6** S. 6(8CA) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 253\(b\)](#)
- F7** 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)
- F8** S. 6(8D) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 144\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 6(8E) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 144\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** Words in s. 6 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 1\(1\)\(2\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** Words in s. 6(8E) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 4 para. 150\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F12** Words in s. 6(8E) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 4 para. 150\(b\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(8A)(8B) inserted by [2008 c. 14 Sch. 14 para. 8](#)
- s. 6(8A) word omitted by [S.I. 2016/413 reg. 253\(a\)\(i\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 6(8A) words inserted by [S.I. 2016/413 reg. 253\(a\)\(ii\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 13(1A) inserted by [2009 c. 26 s. 82\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(3A) inserted by [2009 c. 26 s. 82\(4\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(6) inserted by [2009 c. 26 s. 82\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(11) substituted by [2009 c. 26 s. 82\(7\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(2)(aa)(ab) inserted by [2009 c. 26 s. 85\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(6A)(6B) inserted by [2009 c. 26 s. 85\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30A30B substituted for s. 30-32 by [2012 c. 9 s. 72\(1\)](#)
- s. 32(3)(aa) inserted by [2009 c. 26 s. 86\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 33(3A)-(3D) inserted by [2012 c. 9 s. 72\(2\)\(c\)](#)
- s. 34A-34C inserted by [2009 c. 26 s. 87\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 34ZA inserted by [2012 c. 9 s. 73](#)
- s. 41(4A)-(4C) inserted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 48(2A) inserted by [2012 c. 9 s. 76\(3\)\(c\)](#)
- s. 49(2A) inserted by [2012 c. 9 s. 76\(4\)\(c\)](#)
- s. 56(3)(fa) inserted by [2012 c. 9 Sch. 9 para. 68\(4\)\(b\)](#)
- Sch. 3 para. 5A inserted by [2012 c. 9 s. 74\(1\)](#)
- Sch. 3 para. 11A inserted by [2012 c. 9 s. 74\(3\)](#)

– Sch. 4 para. 1(9B)(ia) inserted by [2022 asc 1 Sch. 4 para. 21\(2\)](#)