

SCHEDULES

SCHEDULE 8

Section 62

TRANSITIONAL PROVISIONS

Advice by IBB

- 1 IBB must provide the Secretary of State with such advice as he requests in connection with—
- (a) any decision in relation to the inclusion of a person in the list kept under section 1 of the Protection of Children Act 1999 (c. 14);
 - (b) any decision in relation to the inclusion of a person in the list kept under section 81 of the Care Standards Act 2000 (c. 14);
 - (c) any decision in relation to a direction under section 142 of the Education Act 2002 (c. 32) in relation to a person.

Existing restrictions relating to children

- 2 (1) This paragraph applies to a person who is—
- (a) included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14) (individuals considered unsuitable to work with children);
 - (b) disqualified from working with children by virtue of an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000 (c. 43);
 - (c) subject to a direction under section 142 of the Education Act 2002 (prohibition from teaching etc).
- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
- (a) requiring IBB to include the person in the children's barred list;
 - (b) requiring IBB to consider including the person in the children's barred list;
 - (c) as to circumstances in which the person may make representations to IBB and the time at which such representations may be made;
 - (d) modifying the provisions of this Act so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 3 in connection with IBB's consideration of any matter relating to the person.
- (3) An order under this paragraph may contain provision—
- (a) enabling the General Teaching Council for England to make determinations on an application by a person who has ceased to be subject to a direction under section 142 of the Education Act 2002 in relation to his eligibility for registration under the Teaching and Higher Education Act 1998 (c. 30);

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- (b) enabling the General Teaching Council for Wales to make determinations on an application by a person who has ceased to be subject to a direction under section 142 of the Education Act 2002 in relation to his eligibility for registration under the Teaching and Higher Education Act 1998;
 - (c) for the Secretary of State to prescribe the procedure in relation to an application as mentioned in paragraph (a);
 - (d) for the Welsh Ministers to prescribe the procedure in relation to an application as mentioned in paragraph (b).
- (4) In sub-paragraph (3)(c) and (d) “prescribe” means prescribe by regulations made by statutory instrument.
- (5) Regulations made by virtue of sub-paragraph (3)(c) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations made by virtue of sub-paragraph (3)(d) are subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) Sections 61(5) and 64(1) apply to power to make regulations by virtue of sub-paragraph (3)(c) or (d) as they apply to power to make regulations under this Act.

Existing restrictions relating to vulnerable adults

- 3 (1) This paragraph applies to a person who is included in the list kept under section 81 of the Care Standards Act 2000 (c. 14) (individuals considered unsuitable to work with certain adults).
- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
- (a) requiring IBB to include the person in the adults' barred list;
 - (b) requiring IBB to consider including the person in the adults' barred list;
 - (c) as to circumstances in which the person may make representations to IBB and the time at which such representations may be made;
 - (d) modifying the provisions of this Act so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 3 in connection with IBB's consideration of any matter relating to the person.

Existing restrictions: supplementary

- 4 An order under paragraph 2 or 3 may—
- (a) modify any criminal offence created by this Act;
 - (b) create any new criminal offence,
- but the penalty for an offence created by virtue of this paragraph must not exceed level 5 on the standard scale.

Modifications relating to monitoring

- 5 (1) The Secretary of State may by order provide that in relation to permission to engage in regulated activity having effect during the transitional period, references in section 11(1) and (2) to ascertaining whether B is subject to monitoring in relation

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to an activity have effect as references to ascertaining whether B is barred from that activity.

- (2) The transitional period is the period—
- (a) beginning with the commencement of section 2, and
 - (b) ending with the commencement of section 24.