



# Safeguarding Vulnerable Groups Act 2006

## 2006 CHAPTER 47

### *General*

#### **59 Vulnerable adults**

- (1) A person is a vulnerable adult if he has attained the age of 18 and—
  - (a) he is in residential accommodation,
  - (b) he is in sheltered housing,
  - (c) he receives domiciliary care,
  - (d) he receives any form of health care,
  - (e) he is detained in lawful custody,
  - (f) he is by virtue of an order of a court under supervision by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000 (c. 43),
  - (g) he receives a welfare service of a prescribed description,
  - (h) he receives any service or participates in any activity provided specifically for persons who fall within subsection (9),
  - (i) payments are made to him (or to another on his behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c. 15), or
  - (j) he requires assistance in the conduct of his own affairs.
- (2) Residential accommodation is accommodation provided for a person—
  - (a) in connection with any care or nursing he requires, or
  - (b) who is or has been a pupil attending a residential special school.
- (3) A residential special school is a school which provides residential accommodation for its pupils and which is—
  - (a) a special school within the meaning of section 337 of the Education Act 1996 (c. 56);
  - (b) an independent school (within the meaning of section 463 of that Act) which is approved by the Secretary of State in accordance with section 347 of that Act;

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*Status: This is the original version (as it was originally enacted).*

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- (c) an independent school (within the meaning of section 463 of that Act) not falling within paragraph (a) or (b) which, with the consent of the Secretary of State given under section 347(5)(b) of that Act, provides places for children with special educational needs (within the meaning of section 312 of that Act);
  - (d) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992) which provides accommodation for children.
- (4) Domiciliary care is care of any description or assistance falling within subsection (5) whether provided continuously or not which a person receives in a place where he is, for the time being, living.
- (5) Assistance falls within this subsection if it is (to any extent) provided to a person by reason of—
  - (a) his age;
  - (b) his health;
  - (c) any disability he has.
- (6) Health care includes treatment, therapy or palliative care of any description.
- (7) A person is in lawful custody if he is—
  - (a) detained in a prison (within the meaning of the Prison Act 1952 (c. 52));
  - (b) detained in a remand centre, young offender institution or secure training centre (as mentioned in section 43 of that Act);
  - (c) detained in an attendance centre (within the meaning of section 53(1) of that Act);
  - (d) a detained person (within the meaning of Part 8 of the Immigration and Asylum Act 1999 (c. 33)) who is detained in a removal centre or short-term holding facility (within the meaning of that Part) or in pursuance of escort arrangements made under section 156 of that Act.
- (8) The reference to a welfare service must be construed in accordance with section 16(5).
- (9) A person falls within this subsection if—
  - (a) he has particular needs because of his age;
  - (b) he has any form of disability;
  - (c) he has a physical or mental problem of such description as is prescribed;
  - (d) she is an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 8 to the National Health Service Act 1977 (c. 49);
  - (e) he is a person of a prescribed description not falling within paragraphs (a) to (d).
- (10) A person requires assistance in the conduct of his own affairs if—
  - (a) a lasting power of attorney is created in respect of him in accordance with section 9 of the Mental Capacity Act 2005 (c. 9) or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of him;
  - (b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of him is registered in accordance with that Schedule or an

- application is made under that Schedule for the registration of an enduring power of attorney in respect of him;
- (c) an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on his behalf, or such an order has been applied for;
  - (d) an independent mental capacity advocate is or is to be appointed in respect of him in pursuance of arrangements under section 35 of that Act;
  - (e) independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 (c. 41) or section 187 of the National Health Service (Wales) Act 2006 (c. 42)) are or are to be provided in respect of him;
  - (f) a representative is or is to be appointed to receive payments on his behalf in pursuance of regulations made under the Social Security Administration Act 1992 (c. 5).
- (11) The Secretary of State may by order provide that a person specified in the order or of a description so specified who falls within subsection (1) is not to be treated as a vulnerable adult.