

Supersedes draft laid before Parliament on 30th January 2002. Draft Regulations laid before Parliament under section 125(3) of the Police Act 1997 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

POLICE

**The Police Act 1997 (Enhanced Criminal Record Certificates)
(Protection of Vulnerable Adults) Regulations 2002**

Made - - - - 2002
Coming into force - - 1st March 2002

Whereas a draft of these Regulations has been laid and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 115(4) of the Police Act 1997(1), hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) Regulations 2002 and shall come into force on 1st March 2002.

(2) These Regulations extend to England and Wales.

Definition of vulnerable adult

2.—(1) In these Regulations “vulnerable adult” means a person aged 18 or over who is receiving services of a type listed in paragraph (2) below and in consequence of a condition of a type listed in paragraph (3) below has a disability of a type listed in paragraph (4) below.

(2) The services are—

- (a) accommodation and nursing or personal care in a care home;
- (b) personal care or nursing or support to live independently in his own home;
- (c) any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body;

(1) 1997 c. 50; to which there are amendments (which are not yet in force) which are not relevant to the subject matter of these Regulations.

- (d) social care services; or
 - (e) any services provided in an establishment catering for a person with learning difficulties.
- (3) The conditions are—
- (a) a learning or physical disability;
 - (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
 - (c) a reduction in physical or mental capacity.
- (4) The disabilities are—
- (a) a dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
 - (b) severe impairment in the ability to communicate with others; or
 - (c) impairment in a person's ability to protect himself from assault, abuse or neglect.
- (5) In this regulation "care home", "independent clinic", "independent hospital", "independent medical agency" and "National Health Service body" have the same meanings as in the Care Standards Act 2000(2).

Positions specified for the purposes of section 115(4) of the Police Act 1997

3. A position is specified for the purposes of section 115(4) of the Police Act 1997 if it is of a kind which enables a person to have regular contact in the course of his duties with a vulnerable adult.

Home Office
2002

Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 115 of the Police Act 1997 (“the Act”) provides for the issue by the Secretary of State of an enhanced criminal record certificate. Applications for such a certificate must be accompanied by a statement from a person registered under section 120 of the Act that the certificate is required for the purpose of an exempted question (defined at section 113(5) of the Act) in the course of considering the applicant’s suitability for a position involving the regular care, training, supervision or being in sole charge of children and certain adults or for the purposes of issuing gaming and other types of certificates and licences.

Regulation 2 defines the term vulnerable adult and other terms used in the Regulations.

Regulation 3 prescribes the range of positions involving the regular care, training, supervision or being in sole charge of adults to which section 115 of the Act applies to those involving regular contact with vulnerable adults.