
Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 5

REGULATED ACTIVITY

PART 1

REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

- 1 (1) An activity is a regulated activity relating to children if—
- (a) it is mentioned in paragraph 2(1), and
 - (b) [^{F1}except in the case of activities falling within sub-paragraph (1A),] it is carried out frequently by the same person or the period condition is satisfied.
- [^{F2}(1A) The following activities fall within this sub-paragraph—
- (a) relevant personal care, and
 - (b) health care provided by, or under the direction or supervision of, a health care professional.
- (1B) In this Part of this Schedule “relevant personal care” means—
- (a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),
 - (b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—
 - (i) toileting (including in relation to the process of menstruation),
 - (ii) washing or bathing, or
 - (iii) dressing,
 - (c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
 - (d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
 - (e) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of the activity of eating or drinking,
 - (ii) is given to a child who is in need of it by reason of illness or disability, and
 - (iii) does not fall within paragraph (c), or

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- (f) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),
 - (ii) is given to a child who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (d).

(1C) In this Part of this Schedule —

“ health care ” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

“ health care professional ” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.]

(2) An activity is a regulated activity relating to children if—

- (a) it is carried out frequently by the same person or the period condition is satisfied,
- (b) it is carried out in an establishment mentioned in paragraph 3(1),
- (c) it is carried out by a person while engaging in [^{F3}any work falling within sub-paragraph (2A) or (2B)],
- (d) it is carried out for or in connection with the purposes of the establishment, and
- (e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.

[^{F4}(2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—

- (a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and
- (b) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)).

(2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—

- (a) any such work which—
 - (i) is carried out on a temporary or occasional basis, and
 - (ii) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)), or
- (b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

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- (2C) The reference in subsection (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.]
- (3) Each of the following, if carried out in England, is a regulated activity relating to children—
- (a) providing early years childminding in respect of which a requirement to register arises by section 33(1) of the Childcare Act 2006 (c. 21) (requirement to register);
 - (b) providing later years childminding in respect of which a requirement to register arises by section 52(1) of that Act (requirement to register);
 - (c) providing early years childminding or later years childminding, if it is provided by a person who is registered by virtue of section 62(1) of that Act (voluntary registration of childminders);
 - (d) providing later years childminding for a child who has attained the age of eight, if a requirement to register would arise in respect of that provision by section 52(1) of that Act if the child had not attained that age.
- (4) Any expression used both in sub-paragraph (3) and in Part 3 of the Childcare Act 2006 has the meaning given by that Act.
- (5) It is a regulated activity relating to children to foster a child (as mentioned in section 53).
- (6) Each of the following, if carried out in Wales, is a regulated activity relating to children—
- (a) acting as a child minder so as to give rise to a requirement to register under [F5section 21 of the Children and Families (Wales) Measure 2010];
 - (b) an activity which would give rise to such a requirement if the child in relation to whom the activity is carried out were under the age of eight [F6(or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010)].
- (7) For the purposes of sub-paragraph (6), “acting as a child minder” must be construed in accordance with [F7section 19 of the Children and Families (Wales) Measure 2010].
- ^{F8}(8)
- (9) The exercise of a function of [F9the Children's Commissioner for Wales or the deputy Children's Commissioner for Wales] is a regulated activity relating to children.
- [F10(9A) The exercise of a function so far as the function—
- (a) relates to any of the matters mentioned in sub-paragraph (9B),
 - (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children, and
 - (c) is not a function which falls within sub-paragraph (9C),
- is a regulated activity relating to children.
- (9B) The matters in this sub-paragraph are—
- ^{F11}(a)

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- (b) the exercise of a power under ^{F12} section 41 or 42 of the Children and Families (Wales) Measure 2010] (powers of inspection etc on entry onto childminding or day care premises in Wales or premises on which childminding or day care is suspected to be taking place);
- (c) any step taken ^{F13}in relation to Wales] for the purposes of section 87(3) of ^{F14}the Children Act 1989] (welfare of children in boarding schools and colleges);
- (d) an inspection ^{F15}in Wales] under section 87(6) of that Act (inspection of boarding school or college);
- (e) any step taken ^{F16}in relation to Wales] by a person appointed under section 87A(1) of that Act (appointment as an inspector of boarding schools and colleges)—
 - (i) for the purposes of an agreement made in accordance with section 87A(2) of that Act, or
 - (ii) in order to comply with any requirement imposed on the person under section 87B of that Act;
- (f) an inspection under section ^{F17} ... 18C of the Education Act 1994 (inspection of teacher training);
- (g) an inspection under section 38 of the Education Act 1997 (inspection of local education authorities in Wales);
- ^{F18}(h) an inspection in Wales under section 33 of the Regulation and Inspection of Social Care (Wales) Act 2016 (inspections of regulated care and support services) of a residential family centre service, a fostering service, or an adoption service (each of which has the meaning given in Schedule 1 to that Act);]
- (i) an inspection under Part 4 of the Learning and Skills Act 2000 (inspection of education and training within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales);
- ^{F19}(j) a review under section 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of local authority social services functions in Wales);]
- (k) a review ^{F20}under section 149B] of that Act as applied by section 30 of the Children Act 2004 (review or investigation of the functions of children’s services authorities in Wales);
- (l) an inspection under section 28 of the Education Act 2005 (duty of Her Majesty’s Chief Inspector of Education and Training in Wales to arrange regular inspections of certain schools);
- (m) an inspection under section ^{F21} ... 50 of that Act (inspection of ^{F22}religious][^{F22}denominational] education);
- (n) an inspection ^{F23}in Wales] under section 51 of that Act (power of local education authorities to inspect maintained school for specific purpose);
- (o) an inspection under section 55 of that Act (inspection of careers services in Wales);
- ^{F24}(p)
- ^{F24}(q)
- ^{F24}(r)
- ^{F24}(s)
- ^{F24}(t)

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(9C) The exercise of a function to which sub-paragraph (10) applies so far as the function—

- (a) relates to the inspection of an establishment mentioned in paragraph 3(1), and
- (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,

is a regulated activity relating to children.]

(10) [^{F25}This sub-paragraph applies to a function of]—

- ^{F26}(a)
- (b) HM Chief Inspector of Education and Training in Wales;
- [^{F27}(ba) a body approved under section 106 of the Education and Skills Act 2008 (bodies approved to inspect registered independent educational institutions in England);]
- (c) a body approved in pursuance of section 163(1)(b) of the Education Act 2002 (c. 32) to inspect a registered independent school [^{F28}in Wales] ;
- ^{F29}(d)
- ^{F29}(e)
- ^{F30}(f)
- (g) the [^{F31}Welsh Ministers].

[^{F32}(11) The exercise of a function of the Welsh Ministers so far as the function—

- (a) relates to the inspection of an establishment, agency [^{F33}, service provider] or body falling within sub-paragraph (12), and
- (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,

is a regulated activity relating to children.]

(12) An establishment, agency [^{F34}, service provider] or body falls within this sub-paragraph if it is—

- (a) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14),
- (b) an agency in relation to which such a requirement arises, ^{F35}...
- [^{F36}(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,]
- (c) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),

and it provides any form of treatment or therapy for children.

^{F37}(12A)

(13) In sub-paragraph (12)(c) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

^{F38}(13A)

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- (14) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), [^{F39}(9A), (9C) or (11)] is a regulated activity relating to children.
- [^{F40}(15) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph (2B)(b) above is a regulated activity relating to children.]

Textual Amendments

- F1** Words in Sch. 4 para. 1(1)(b) inserted (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 \(c. 9\), ss. 64\(2\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F2** Sch. 4 para. 1(1A)-(1D) inserted (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 \(c. 9\), ss. 64\(3\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F3** Words in Sch. 4 para. 1(2)(c) 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 \(c. 9\), ss. 64\(4\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F4** Sch. 4 para. 1(2A)-(2C) inserted (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 \(c. 9\), ss. 64\(5\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F5** Words in Sch. 4 para. 1(6)(a) substituted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\), s. 75\(3\), Sch. 1 para. 28\(a\); S.I. 2010/2582, art. 2, Sch. 1 \(with Sch. 2Sch. 3\)](#)
- F6** Words in Sch. 4 para. 1(6)(b) inserted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\), s. 75\(3\), Sch. 1 para. 28\(b\); S.I. 2010/2582, art. 2, Sch. 1 \(with Sch. 2Sch. 3\)](#)
- F7** Words in Sch. 4 para. 1(7) 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 \(c. 9\), ss. 64\(6\)\(a\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F8** Sch. 4 para. 1(8) 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 \(c. 9\), ss. 64\(6\)\(b\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(a\)\(bb\) \(with art. 4\)](#)
- F9** Words in Sch. 4 para. 1(9) 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 \(c. 9\), ss. 64\(6\)\(c\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F10** Sch. 4 para. 1(9A)-(9C) inserted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\), arts. 1\(1\), 3\(2\)](#)
- F11** Sch. 4 para. 1(9B)(a) 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 \(c. 9\), ss. 64\(6\)\(d\)\(i\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(a\)\(bb\) \(with art. 4\)](#)
- F12** Words in Sch. 4 para. 1(9B)(b) 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 \(c. 9\), ss. 64\(6\)\(d\)\(ii\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F13** Words in Sch. 4 para. 1(9B)(c) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by

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- Protection of Freedoms Act 2012 (c. 9), ss. **64(6)(d)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F14** Words in Sch. 4 para. 1(9B)(c) 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), ss. **64(6)(d)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F15** Words in Sch. 4 para. 1(9B)(d) inserted (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), ss. **64(6)(d)(iv)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F16** Words in Sch. 4 para. 1(9B)(e) inserted (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), ss. **64(6)(d)(v)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F17** Words in Sch. 4 para. 1(9B)(f) 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), ss. 64(6)(d)(vi), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F18** Sch. 4 para. 1(9B)(h) substituted (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 28(a)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F19** Sch. 4 para. 1(9B)(j) substituted (29.4.2019) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 28(b)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F20** Words in Sch. 4 para. 1(9B)(k) substituted (29.4.2019) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 28(c)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F21** Words in Sch. 4 para. 1(9B)(m) 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), ss. 64(6)(d)(viii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F22** Word in Sch. 4 para. 1(9B)(m) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 9(a)**
- F23** Words in Sch. 4 para. 1(9B)(n) inserted (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), ss. **64(6)(d)(ix)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F24** Sch. 4 para. 1(9B)(p)-(t) 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), ss. 64(6)(d)(x), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F25** Words in Sch. 4 para. 1(10) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **3(3)**
- F26** Sch. 4 para. 1(10)(a) 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), ss. 64(6)(e), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F27** Sch. 4 para. 1(10)(ba) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 41(3)**; S.I. 2014/3364, art. 2(z)
- F28** Words in Sch. 4 para. 1(10)(c) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 41(4)**; S.I. 2014/3364, art. 2(z)
- F29** Sch. 4 para. 1(10)(d)(e) 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

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- Freedoms Act 2012 (c. 9), ss. 64(6)(e), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F30** Sch. 4 para. 1(10)(f) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 92(2)(b), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(bb), 36
- F31** Words in Sch. 4 para. 1(10)(g) substituted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **30(c)**
- F32** Sch. 4 para. 1(11) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **3(4)**
- F33** Words in Sch. 4 para. 1(11)(a) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(a)
- F34** Words in Sch. 4 para. 1(12) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(i)
- F35** Word in Sch. 4 para. 1(12)(b) omitted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(ii)
- F36** Sch. 4 para. 1(12)(ba) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(iii)
- F37** Sch. 4 para. 1(12A) 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), ss. 64(6)(f), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F38** Sch. 4 para. 1(13A) 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), ss. 64(6)(g), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F39** Words in Sch. 4 para. 1(14) 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), ss. 64(6)(h), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F40** Sch. 4 para. 1(15) inserted (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), ss. 64(6)(i), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

Modifications etc. (not altering text)

- C1** Sch. 4 para. 1(10)(c) modified (temp.) (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **29**

Commencement Information

- I1** Sch. 4 para. 1 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**
- I2** Sch. 4 para. 1 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**
- I3** Sch. 4 para. 1 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

Activities

- 2 (1) The activities referred to in paragraph 1(1) are—
- (a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;
 - (b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;
 - ^{F41}(d)
 - (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
 - (f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.
- (2) Sub-paragraph (1)(a), (b) [^{F42}and (c)] do not include—
- (a) teaching, training or instruction provided to a child in the course of his employment;
 - (b) care for or supervision of a child in the course of his employment;
 - (c) advice or guidance provided for a child in the course of his employment;
 - ^{F43}(d)
- (3) Sub-paragraph (2) does not apply if—
- (a) the child has not attained the age of 16, and
 - (b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- ^{F44}(3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
- (3B) Sub-paragraph (1)(b)—
- (a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and
 - (b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
- (3C) The references in subsections (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.
- (3D) Sub-paragraph (1)(c) does not include any legal advice.]
- (4) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to—
- (a) monitoring the content of matter which forms any part of the service,
 - (b) removing matter from, or preventing the addition of matter to, the service, or
 - (c) controlling access to, or use of, the service.
- (5) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has—
- (a) access to the content of the matter;
 - (b) contact with users of the service.

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- (6) In sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so.

Textual Amendments

- F41** Sch. 4 para. 2(1)(d) 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), ss. 64(7)(a), 120, Sch. 10 Pt. 5 (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F42** Words in Sch. 4 para. 2(2) 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), ss. 64(7)(b)(i), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)
- F43** Sch. 4 para. 2(2)(d) 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), ss. 64(7)(b)(ii), 120, Sch. 10 Pt. 5 (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)
- F44** Sch. 4 para. 2(3A)-(3D) inserted (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), ss. 64(7)(c), 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

Commencement Information

- I4** Sch. 4 para. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, art. 4(b)
- I5** Sch. 4 para. 2 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, art. 2(a)
- I6** Sch. 4 para. 2 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, art. 2(1)(b)
- I7** Sch. 4 para. 2(1)(f) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, art. 4(w)

Establishments

- 3 (1) The establishments referred to in paragraph 1(2) and [F45(9C)] are—
- (a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
- [F46(aa) a school falling within section [F4719(2) or (2B)][F4719(2B) or 19A(2)] of the Education Act 1996 (pupil referral units etc) which does not fall within subparagraph (1)(a);]
- [F48(ab) an alternative provision Academy which does not fall within paragraph (a);]
- (b) an establishment which is exclusively or mainly for the provision of nursery education (within the meaning of section 117 of the School Standards and Framework Act 1998 (c. 31));
- [F49(c)
- (d) an institution which is exclusively or mainly for the detention of children;
- [F50(da) premises in Wales at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;]
- (e) a children's home [F51in England] (within the meaning of section 1 of the Care Standards Act 2000 (c. 14));

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F54** Words in Sch. 4 para. 3(2)(c) inserted (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#), arts. 1(1), **25(2)**
- F55** Words in Sch. 4 para. 3(2)(c) substituted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), **Sch. 1 para. 28(c)**; S.I. 2010/2582, art. 2, Sch. 1 (with Schs. 2, 3)
- F56** Sch. 4 para. 3(3)-(5) inserted (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#), arts. 1(1), **25(3)**

Commencement Information

- I8** Sch. 4 para. 3 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(b)**
- I9** Sch. 4 para. 3 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 2(a)**
- I10** Sch. 4 para. 3 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(b)**

F57 ...

Textual Amendments

- F57** Sch. 4 para. 4 and cross-heading 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 \(c. 9\)](#), ss. 64(9), 120, **Sch. 10 Pt. 5** (with s. 97); [S.I. 2012/2234](#), art. 2(a)(bb) (with art. 4)

F57⁴

- 5 A person who is part of a group in relation to which another (P) engages in regulated activity relating to children does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this paragraph, would amount to engaging in regulated activity relating to children.

Commencement Information

- I11** Sch. 4 para. 5 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(b)**
- I12** Sch. 4 para. 5 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 2(a)**
- I13** Sch. 4 para. 5 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(b)**

F58 Guidance

Textual Amendments

- F58** Sch. 4 para. 5A and cross-heading inserted (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 \(c. 9\)](#), ss. 77(6), 120 (with s. 97); [S.I. 2012/2234](#), art. 2(n)

- 5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) Before giving guidance under this paragraph, the Secretary of State must consult the Welsh Ministers.
- (3) The Secretary of State must publish guidance given under this paragraph.
- (4) A regulated activity provider or a personnel supplier must, in exercising any functions under this Act, have regard to guidance for the time being given under this paragraph.]

Exceptions

- 6 The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to children is not to be treated as a regulated activity.

Commencement Information

- I14** Sch. 4 para. 6 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(b\)](#)
- I15** Sch. 4 para. 6 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 2\(a\)](#)
- I16** Sch. 4 para. 6 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 5\(p\)](#)
- I17** Sch. 4 para. 6 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(b\)](#)

PART 2

REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

- 7 ^[F59](1) Each of the following is a regulated activity relating to vulnerable adults—
 - (a) the provision to an adult of health care by, or under the direction or supervision of, a health care professional,
 - (b) the provision to an adult of relevant personal care,
 - (c) the provision by a social care worker of relevant social work to an adult who is a client or potential client,
 - (d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,
 - (e) any relevant assistance in the conduct of an adult's own affairs,
 - (f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,
 - (g) such activities—
 - (i) involving, or connected with, the provision of health care or relevant personal care to adults, and
 - (ii) not falling within any of the above paragraphs,as are of a prescribed description.
- (2) Health care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) A health care professional is a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (3A) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to an adult by any person acting on behalf of an organisation established for the purpose of providing first aid.
- (3B) Relevant personal care means—
- (a) physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with—
 - (i) eating or drinking (including the administration of parenteral nutrition),
 - (ii) toileting (including in relation to the process of menstruation),
 - (iii) washing or bathing,
 - (iv) dressing,
 - (v) oral care, or
 - (vi) the care of skin, hair or nails,
 - (b) the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the activities listed in paragraph (a) where the person is unable to make a decision in relation to performing such an activity without such prompting and supervision, or
 - (c) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of any of the activities listed in paragraph (a),
 - (ii) is given to a person who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (b).
- (3C) Relevant social work has the meaning given by section 55(4) of the Care Standards Act 2000 and social care worker means a person who is a social care worker by virtue of section 55(2)(a) of that Act.
- [^{F60}(3CA) In relation to a vulnerable adult in Wales, relevant social work has the meaning given by section 79(4) of the Regulation and Inspection of Social Care (Wales) Act 2016, and social care worker means a person who is a social care worker by virtue of section 79(1)(a) of that Act.]
- (3D) Assistance in relation to general household matters is day to day assistance in relation to the running of the household of the person concerned where the assistance is the carrying out of one or more of the following activities on behalf of that person—
- (a) managing the person's cash,
 - (b) paying the person's bills,
 - (c) shopping.
- (3E) Relevant assistance in the conduct of a person's own affairs is anything done on behalf of the person by virtue of—
- (a) a lasting power of attorney created in respect of the person in accordance with section 9 of the Mental Capacity Act 2005,

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- (b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the person which is—
 - (i) registered in accordance with that Schedule, or
 - (ii) the subject of an application to be so registered,
- (c) an order made under section 16 of that Act by the Court of Protection in relation to the making of decisions on the person's behalf,
- (d) the appointment of an independent mental health advocate or (as the case may be) an independent mental capacity advocate in respect of the person in pursuance of arrangements under section 130A of the Mental Health Act 1983 or section 35 of the Mental Capacity Act 2005,
- (e) the provision of independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006) in respect of the person, or
- (f) the appointment of a representative to receive payments on behalf of the person in pursuance of regulations made under the Social Security Administration Act 1992.]

[^{F61}(3EA) Relevant assistance in the conduct of a person's own affairs is also representing or supporting the person in pursuance of arrangements made under section 67 or 68 of the Care Act 2014 (independent advocacy support).]

^{F62}(4)

(5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in subparagraph (1) ^{F63}... is a regulated activity relating to vulnerable adults.

[^{F64}(6) The exercise of an inspection function of the Welsh Ministers so far as the function gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with vulnerable adults, is a regulated activity relating to vulnerable adults.]

(7) [^{F65}An inspection function is a function] relating to the inspection of—

- (a) a local authority (within the meaning of section 1 of the Local Authority Social Services Act 1970 (c. 42)) in the exercise of its social services functions (within the meaning of that Act),
- (b) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000,
- (c) an agency in relation to which such a requirement arises,
- (d) a person to whom Part 2 of that Act applies in pursuance of [^{F66}regulations] under section 42 of that Act,
- [^{F67}(da) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,]
- (e) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003, or
- (f) any person, other than a local authority, providing ^{F68}... Welsh local authority social services within the meaning of that section,

in so far as the inspection relates to social services, care, treatment or therapy provided for vulnerable adults by the establishment, agency, person or body.

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- (8) In sub-paragraph (7)(e) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

^{F69}(8A)

- (9) The exercise of a function of [^{F70}the Commissioner for older people in Wales or the deputy Commissioner for older people in Wales] is a regulated activity relating to vulnerable adults.

- (10) A person who is part of a group in relation to which another (P) engages in regulated activity relating to vulnerable adults does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this sub-paragraph, would amount to engaging in regulated activity relating to vulnerable adults.

Textual Amendments

- F59** Sch. 4 para. 7(1)-(3E) substituted for Sch. 4 para. 7(1)-(3) (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 \(c. 9\), ss. 66\(2\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(c\) \(with art. 4\)](#)
- F60** Sch. 4 para. 7(3CA) inserted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 56\(b\); S.I. 2017/309, art. 2\(j\) \(with arts. 3, 4, Sch.\)](#)
- F61** Sch. 4 para. 7(3EA) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\), art. 1\(2\), Sch. para. 87 \(with arts. 1\(3\), 3\)](#)
- F62** Sch. 4 para. 7(4) 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 \(c. 9\), ss. 66\(3\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(c\)\(bb\) \(with art. 4\)](#)
- F63** Words in Sch. 4 para. 7(5) 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 \(c. 9\), ss. 66\(4\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(c\)\(bb\) \(with art. 4\)](#)
- F64** Sch. 4 para. 7(6) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\), arts. 1\(1\), 7\(2\)](#)
- F65** Words in Sch. 4 para. 7(7) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\), arts. 1\(1\), 7\(3\)](#)
- F66** Word in Sch. 4 para. 7(7)(d) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\), arts. 1\(1\), 9](#)
- F67** Sch. 4 para. 7(7)(da) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\), regs. 2\(1\), 38](#)
- F68** Words in Sch. 4 para. 7(7)(f) 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 \(c. 9\), ss. 66\(5\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(c\)\(bb\) \(with art. 4\)](#)
- F69** Sch. 4 para. 7(8A) 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 \(c. 9\), ss. 66\(6\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(c\)\(bb\) \(with art. 4\)](#)

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F70 Words in Sch. 4 para. 7(9) 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 \(c. 9\), ss. 66\(7\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(c\) \(with art. 4\)](#)

Commencement Information

I18 Sch. 4 para. 7 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(b\)](#)

I19 Sch. 4 para. 7 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 2\(a\)](#)

I20 Sch. 4 para. 7 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(b\)](#)

F71g

Textual Amendments

F71 Sch. 4 para. 8 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 \(c. 9\), ss. 66\(8\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(c\)\(bb\) \(with art. 4\)](#)

9 The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to vulnerable adults is not to be treated as a regulated activity.

Commencement Information

I21 Sch. 4 para. 9 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(b\)](#)

I22 Sch. 4 para. 9 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 2\(a\)](#)

I23 Sch. 4 para. 9 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(p\)](#)

I24 Sch. 4 para. 9 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(b\)](#)

PART 3

THE PERIOD CONDITION

- 10 (1) The period condition is satisfied if the person carrying out the activity does so at any time on more than [F72three] days in any period of 30 days.
- (2) In relation to an activity that falls within paragraph 2(1)(a), (b) [F73or (c)]^{F74} ..., the period condition is also satisfied if—
- (a) the person carrying out the activity does so at any time between 2 a.m. and 6 a.m, and
 - (b) the activity gives the person the opportunity to have face-to-face contact with children ^{F75}

Textual Amendments

F72 Word in Sch. 4 para. 10(1) substituted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\), arts. 1\(1\), 10](#)

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F73** Words in [Sch. 4 para. 10\(2\)](#) 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 \(c. 9\), ss. 64\(10\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(a\) \(with art. 4\)](#)
- F74** Words in [Sch. 4 para. 10\(2\)](#) 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 \(c. 9\), ss. 66\(9\)\(a\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(c\)\(bb\) \(with art. 4\)](#)
- F75** Words in [Sch. 4 para. 10\(2\)\(b\)](#) 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 \(c. 9\), ss. 66\(9\)\(b\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(c\)\(bb\) \(with art. 4\)](#)

Commencement Information

- I25** Sch. 4 para. 10 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(b\)](#)
- I26** Sch. 4 para. 10 in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 2\(a\)](#)
- I27** Sch. 4 para. 10 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(b\)](#)

Changes to legislation:

Safeguarding Vulnerable Groups Act 2006, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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\(2\)](#)