
DRAFT STATUTORY INSTRUMENTS

2008 No.

**The Safeguarding Vulnerable Groups Act 2006 (Prescribed
Criteria and Miscellaneous Provisions) Regulations 2008**

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2008 and come into force seven days after the day on which they are made.

(2) In these Regulations—

“the Act” means the Safeguarding Vulnerable Groups Act 2006;

“the 2002 Act” means the Education Act 2002⁽¹⁾;

“the 2003 Regulations” means the Education (Prohibition from Teaching or Working with Children) Regulations 2003⁽²⁾;

“connected offence” means, in relation to an offence specified in the Schedule, an offence of—

- (a) attempting, conspiring or incitement to commit that offence, or
- (b) aiding, abetting, counselling or procuring, the commission of that offence;

“disqualification order” means an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000⁽³⁾;

“relevant circumstances” means—

(a) in relation to an offence specified in—

- (i) sub-paragraph (a) or (b) of paragraph 1,
- (ii) sub-paragraph (b)(ii) to (v), (c) or (d)(ii) of paragraph 2, or
- (iii) sub-paragraph (b)(ii) to (vii), (c) or (d)(ii) of paragraph 4

of the Schedule the circumstances described in the relevant sub-paragraph which relate to the commission of that offence, and

(b) in relation to an offence specified in—

- (i) sub-paragraph (c), (e) or (g)(i) of paragraph 1,
- (ii) sub-paragraph (e), (g) or (i)(i) of paragraph 2, or
- (iii) sub-paragraph (e), (g) or (i)(i) of paragraph 4

⁽¹⁾ 2002 c.32.

⁽²⁾ S.I. 2003/1184 as amended by S.I. 2007/195.

⁽³⁾ 2000 c.43.

of the Schedule the circumstances referred to in the relevant sub-paragraph in relation to the commission of that offence;

“relevant date” means the date on which these Regulations come into force.

(3) In regulation 3 a reference to an offence specified in paragraph 1(a) to (c), (e) or (g)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(4) In regulation 4 a reference to an offence specified in paragraph 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(5) In regulation 6 a reference to an offence specified in paragraph 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(6) In regulations 3 to 6—

- (a) a reference to an offence, A, specified in the Schedule includes a reference to an offence, B, which in relation to offence A is a connected offence;
- (b) a reference to being convicted of an offence specified in the Schedule includes a reference to being convicted of a relevant foreign offence or an offence which in relation to that relevant foreign offence is a connected offence.

(7) In paragraph (6)(b) a relevant foreign offence is an offence satisfying the criteria specified in paragraph (8).

(8) The criteria are that—

- (a) the offence is one under the law in force in a country or territory outside the British Islands;
- (b) the conduct which constitutes the offence would, if carried out in England and Wales, amount to an equivalent offence which is specified in the Schedule;
- (c) where the equivalent offence is one specified in paragraph 1(a) to (c), (e) or (g)(i), 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) or 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule, the offence was committed in relevant circumstances relating to the equivalent offence.

(9) For the purposes of paragraph (8) an act punishable under the law in force in a country or territory outside the British Islands constitutes an offence under that law however it is described in that law.

Effect of decision not to impose a disqualification order

2.—(1) Where the condition in paragraph (2) is met, the offences referred to in regulations 3 to 6 do not include any offence which a person has committed against a child before the commencement (for all purposes) of section 2 of the Act.

(2) The condition is that the court, having considered whether to make a disqualification order in connection with the commission of the offence, decided not to.

(3) In this regulation the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000(4).

(4) Section 30(5)(a) of the Criminal Justice and Court Services Act 2000 was amended by paragraphs 1, 3(1) and 4(a) of Schedule 30 to the Criminal Justice Act 2003 (c.44).