



# Safeguarding Vulnerable Groups Act 2006

## 2006 CHAPTER 47

### *Restrictions on participating in regulated activity*

#### **11 Regulated activity provider: failure to check**

- (1) A regulated activity provider commits an offence if—
  - (a) he permits an individual (B) to engage in regulated activity,
  - (b) B engages in the activity, and
  - (c) he fails to ascertain whether B is subject to monitoring in relation to the activity.
- (2) A regulated activity provider ascertains whether B is subject to monitoring only if—
  - (a) he obtains an appropriate verification in accordance with Part 1 of Schedule 5 and neither of Parts 2 and 3 of that Schedule is prescribed in relation to him,
  - (b) he obtains an appropriate verification in accordance with Part 2 of that Schedule and that Part is prescribed in relation to him, or
  - (c) he obtains an appropriate verification in accordance with Part 3 of that Schedule and that Part is prescribed in relation to him.
- (3) A person does not commit an offence under subsection (1) if the regulated activity—
  - (a) is regulated activity relating to vulnerable adults, and
  - (b) falls within section 16.
- (4) A person does not commit an offence under subsection (1) if he falls within section 17.
- (5) A person does not commit an offence under subsection (1) if B has not attained the age of 16.
- (6) A person does not commit an offence under subsection (1) if, in relation to any continuous period for which B is permitted to engage in the regulated activity—
  - (a) the permission is first given before the commencement of this section, and
  - (b) it continues to have effect after such commencement.
- (7) Subsection (6) does not apply in respect of permission which continues to have effect after such date as the Secretary of State specifies by order.

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*Status: This is the original version (as it was originally enacted).*

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- (8) A person commits an offence if—
- (a) he provides written confirmation under Schedule 5 that is false in any material respect, and
  - (b) he either knows that it is false or is reckless as to whether it is false.
- (9) A person guilty of an offence under subsection (1) or (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) In determining what is the appropriate sentence to pass in respect of a person who is convicted of an offence under this section in a case where the regulated activity falls within paragraph 1(1) or (2) or 7(1) or (4) of Schedule 4 the court must consider the extent to which the offender had regard to any guidance issued by the Secretary of State as to the circumstances in which an activity is carried out frequently.