



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Restrictions on participating in regulated activity

8 Person not to engage in regulated activity unless subject to monitoring

- (1) An individual commits an offence if—
 - (a) he engages in regulated activity with the permission of a regulated activity provider, and
 - (b) he is not subject to monitoring in relation to that activity.
- (2) An individual commits an offence if—
 - (a) he engages in an activity which is a regulated activity by virtue of paragraph 1(3) or (6) of Schedule 4, and
 - (b) he is not subject to monitoring in relation to regulated activity relating to children.
- (3) An individual commits an offence if—
 - (a) he acts as a member of the governing body of an educational establishment mentioned in subsection (5), and
 - (b) he is not subject to monitoring in relation to regulated activity relating to children.
- (4) A person guilty of an offence under subsection (1), (2) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) The establishments are—
 - (a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
 - (b) a maintained nursery school (within the meaning of section 39 of the Education Act 2002 (c. 32)).
- (6) A person does not commit an offence under subsection (1) or (2) if he has not attained the age of 16.

Status: This is the original version (as it was originally enacted).

- (7) A person does not commit an offence under subsection (1) if, in relation to any continuous period for which he is permitted to engage in the activity—
- (a) the permission is first given before the commencement of this section, and
 - (b) it continues to have effect after such commencement.
- (8) Where subsection (7) applies to a person who is engaged in regulated activity which is relevant NHS employment for the purposes of section 17(1)(d), he does not commit an offence under subsection (1) if he also engages in any other such regulated activity as mentioned in section 17.
- (9) Subsection (7) does not apply in respect of permission which continues to have effect after such date as the Secretary of State specifies by order.
- (10) 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.
- (11) A person does not commit an offence under subsection (3) if, in relation to any continuous period for which he acts as a governor—
- (a) his appointment as a governor first took effect before the commencement of this section, and
 - (b) it continues to have effect after such commencement.
- (12) Subsection (11) does not apply in respect of an appointment which continues to have effect after such date as the Secretary of State specifies by order.
- (13) It is a defence for a person charged with an offence under subsection (1), (2) or (3) to prove that he did not know, and could not reasonably be expected to know, that he was not subject to monitoring in relation to the activity.
- (14) 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.