



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Restrictions on participating in regulated activity

9 Use of barred person for regulated activity

- (1) A person commits an offence if—
 - (a) he permits an individual (B) to engage in regulated activity from which B is barred,
 - (b) he knows or has reason to believe that B is barred from that activity, and
 - (c) B engages in the activity.
- (2) A personnel supplier commits an offence if—
 - (a) he supplies an individual (B) to another (P),
 - (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and
 - (c) he knows or has reason to believe that B is barred from that activity.
- (3) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.
- (4) It is a defence for a person charged with an offence under this section to prove—
 - (a) that he reasonably thought that it was necessary for the barred person to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),
 - (b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and
 - (c) that the barred person engaged in the activity for no longer than was necessary for that purpose.
- (5) For the purposes of this section, Schedule 4 is modified as follows—
 - (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;

Status: This is the original version (as it was originally enacted).

- (b) in paragraph 7(1), the words “if it is carried out frequently by the same person or the period condition is satisfied” must be disregarded;
 - (c) in paragraph 7(4), paragraph (a) must be disregarded.
- (6) In relation to an offence committed before the commencement of section 282(3) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (3)(b) to 12 months must be taken to be a reference to six months.