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STATUTORY INSTRUMENTS

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**2010 No. 1146**

**The Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010**

**Modification of section 113B of the Police Act 1997: assessment of suitability for work which is a controlled activity relating to children and for work which is a controlled activity relating to vulnerable adults**

7.—(1) If—

- (a) the Secretary of State would, apart from this regulation, be required to issue to an individual an enhanced criminal record certificate within the meaning of section 113B(1) of the Police Act 1997, and
- (b) paragraphs (2), (4) and (5) apply,

the Secretary of State must issue to the individual a notification instead of a certificate.

(2) This paragraph applies if the prescribed purposes for which the registered person states that the certificate is required are the assessment of the suitability of a person for any work which is a controlled activity relating to children and the assessment of the suitability of a person for any work which is a controlled activity relating to vulnerable adults.

(3) But paragraph (2) does not apply if the controlled activity is work in a further education institution within the meaning of section 140(3) of the Education Act 2002 where the normal duties of that work involve regular contact with persons aged under 18.

(4) This paragraph applies if the individual is—

- (a) not barred from regulated activity relating to children,
- (b) not included in the list kept under section 1 of the Protection of Children Act 1999, and
- (c) not subject to a direction made under section 142 of the Education Act 2002.

(5) This paragraph applies if the individual is—

- (a) not barred from regulated activity relating to vulnerable adults, and
- (b) not included in the list kept under section 81 of the Care Standards Act 2000.

(6) The notification must state that the individual is—

- (a) not barred from regulated activity relating to children,
- (b) not included in the list kept under section 1 of the Protection of Children Act 1999,
- (c) not subject to a direction made under section 142 of the Education Act 2002,
- (d) not barred from regulated activity relating to vulnerable adults, and
- (e) not included in the list kept under section 81 of the Care Standards Act 2000.

(7) The Secretary of State must send a copy of the notification to whoever acted as the registered person in relation to the application for the certificate.

(8) If paragraphs (2) and (4) apply but paragraph (5) does not apply, the information referred to in section 113B(4), (5) and (6)(b) must relate only to the assessment of the suitability of the person for any work which is a controlled activity relating to vulnerable adults.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(9) If paragraphs (2) and (5) apply but paragraph (4) does not apply, the information referred to in section 113B(4), (5) and (6)(b) must relate only to the assessment of the suitability of the person for any work which is a controlled activity relating to children.