

2009 No. 1548

**CHILDREN AND YOUNG PERSONS, ENGLAND AND
WALES**

**PROTECTION OF VULNERABLE ADULTS, ENGLAND
AND WALES**

**The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous
Provisions) Regulations 2009**

Made - - - - 22nd June 2009

Laid before Parliament 26th June 2009

Coming into force - - 12th October 2009

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 59(1)(g) and 60(1)(a) of, and paragraphs 2(1)(f) and 7(1)(f) of Schedule 4 to, the Safeguarding Vulnerable Groups Act 2006(b).

In accordance with section 56(3)(n) and (r) of that Act, the Secretary of State has consulted the Welsh Ministers.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009 and shall come into force on 12th October 2009.

(2) In these Regulations—

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

Vulnerable adults - welfare service of a prescribed description

2. The provision of support, assistance or advice by any person, the purpose of which is to develop an individual’s capacity to live independently in accommodation, or sustain their capacity to do so, is a welfare service prescribed for the purpose of section 59(1)(g) of the Act.

Regulated activity (driving a vehicle - prescribed circumstances relating to children)

3. Driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for them is a regulated activity under paragraph 2(1)(f) of Schedule 4 to the Act in the following circumstances—

(a) Section 60(1) is cited because of the meaning it gives to “prescribed”.
(b) 2006 c.47.

- (a) a person (P) makes an arrangement (under a contract or otherwise) for children to be conveyed in a vehicle;
- (b) the arrangement is made between P and a person (B) or between P and a person with whom B is engaging in any form of work (whether or not for gain); and
- (c) B drives the vehicle and conveys the children pursuant to that arrangement.

Regulated activity (driving a vehicle - prescribed circumstances relating to vulnerable adults)

4. Driving a vehicle which is being used only for the purpose of conveying vulnerable adults and any person caring for them is a regulated activity under paragraph 7(1)(f) of Schedule 4 to the Act in the following circumstances—

- (a) a person (P) makes an arrangement (under a contract or otherwise) for vulnerable adults to be conveyed in a vehicle;
- (b) the arrangement is made between P and a person (B) or between P and a person with whom B is engaging in any form of work (whether or not for gain); and
- (c) B drives the vehicle and conveys the vulnerable adults pursuant to that arrangement.

Signed by authority of the Secretary of State.

22nd June 2009

Phil Hope
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Safeguarding Vulnerable Groups Act 2006 (2006 c.47) (“the Act”).

Regulation 2 provides that support, assistance or advice that is provided to an individual by any person, the purpose of which is to develop that individual’s capacity to live independently in accommodation or to sustain their ability to do so, is a welfare service for the purpose of section 59(1)(g) of the Act. The effect of this regulation is to bring the recipients of this type of welfare service within the definition of “vulnerable adult” in section 59 of the Act.

Regulation 3 prescribes the circumstances in which driving a vehicle, which is being used only for the purposes of conveying children and any person supervising or caring for the children, will be a regulated activity.

Regulation 4 makes similar provision in respect of vulnerable adults.

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