
STATUTORY INSTRUMENTS

2009 No. 2611

**The Safeguarding Vulnerable Groups Act
2006 (Commencement No. 6, Transitional
Provisions and Savings) Order 2009**

PART 2

Commencement

Provisions coming into force on 12th October 2009

2.—(1) 12th October 2009 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the Schedule.

(2) Where a particular purpose is specified in column 2 of the Schedule in relation to any such provision, the provision shall come into force on that date for that purpose only.

Repeal of provisions of the Criminal Justice and Courts Services Act 2000

3.—(1) The repeal of the remaining provisions of CJCSA by section 63(2) of, and Schedule 10 to, the Act shall come into force on 12th October 2009 for the purposes specified in the following provisions of this article.

(2) The provisions of CJCSA referred to in paragraph (1) shall cease to have effect for the purposes of enabling a disqualification order to be made in relation to a person who is barred from regulated activity by virtue of section 3(2) of the Act.

(3) Section 35 of CJCSA shall cease to have effect for the purpose of making it an offence for a person knowingly to apply for, to offer to do, to accept or to do any work in a regulated position (within the meaning of section 36 of that Act) where—

- (a) the person falls within paragraph (4), and
- (b) is disqualified from working with children only by reason of a disqualification order falling within paragraph (5).

(4) A person (“P”) falls within this paragraph if P—

- (a) is or has at any time been barred from regulated activity by virtue of section 3(2) of the Act; or
- (b) has been included in the children’s barred list pursuant to article 2(2)(a) of the 2008 Order, but is removed from that list by IBB in accordance with paragraph 2(4) of that Order.

(5) A disqualification order falls within this paragraph if—

- (a) P was subject to the disqualification order immediately before IBB(1) included P in the children’s barred list; and

(1) See section 1 of the Act for the meaning of this term. It is a reference to the Independent Barring Board established under that section.

(b) at that time IBB was aware that P was subject to the disqualification order.

(6) In paragraph (1) “the remaining provisions of CJCSA” means the provisions of that Act mentioned in Schedule 10 to the Act other than those referred to in the Schedule to this Order.

Repeal of provisions of the Education Act 2002

4.—(1) The repeal of the remaining provisions of EA 2002 by section 63(2) of, and Schedule 10 to, the Act shall come into force on 12th October 2009 for all purposes except as provided in paragraph (2).

(2) The provisions of EA 2002 referred to in paragraph (1) shall continue to have effect for the purpose of enabling the Secretary of State to make a direction under section 142(1)(a) of that Act where—

- (a) the effect of the direction is to prevent a person from taking part in the management of an independent school, and
- (b) the direction is made on grounds relating to a person’s misconduct pursuant to section 142(4)(c) of that Act.

(3) In paragraph (1) “the remaining provisions of EA 2002” means the provisions of that Act mentioned in Schedule 10 to the Act other than those referred to in the Schedule to this Order