



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Local authority information and referrals

39 Local authorities: duty to refer

- (1) A local authority must provide IBB with any prescribed information they hold relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the local authority thinks—
 - (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
 - (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
 - (c) that the harm test is satisfied.
- (3) The harm test is that the person may—
 - (a) harm a child or vulnerable adult,
 - (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,
 - (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.
- (4) The second condition is that the local authority thinks—
 - (a) that the person is engaged or may engage in regulated activity or controlled activity, and
 - (b) (except in a case where paragraph 1, 2, 7 or 8 of Schedule 3 applies) that IBB may consider it appropriate for the person to be included in a barred list.
- (5) A local authority may provide IBB with any prescribed information it holds relating to a person if—
 - (a) the local authority think that a person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and
 - (b) the condition in subsection (4) is satisfied.

- (6) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the local authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- (7) “Local authority” has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39).

40 Local authorities: duty to provide information on request

- (1) This section applies if IBB is considering—
 - (a) whether to include any person in a barred list;
 - (b) whether to remove any person from a barred list.
- (2) If IBB thinks that a local authority hold any prescribed information relating to the person, it may require the authority to provide it with the information.
- (3) The local authority must comply with a requirement under subsection (2).
- (4) “Local authority” has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970.