

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Part 1 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

BARRED LISTS

Modifications etc. (not altering text)

- C1** Sch. 3 modified (20.1.2009) by [Safeguarding Vulnerable Groups Act 2006 \(Transitory Provisions\) Order 2009 \(S.I. 2009/12\)](#), arts. 1(1), **5**

PART 1

CHILDREN'S BARRED LIST

Automatic inclusion

- 1 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.
- [^{F1}(2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the children's barred list.]

Textual Amendments

- F1** Sch. 3 para. 1(2) substituted for Sch. 3 para. 1(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **56** (with Pt. 4)

Modifications etc. (not altering text)

- C2** Sch. 3 para. 1 modified (temp.) (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\)](#), arts. 1(1), **9(2)**

Commencement Information

- I1** Sch. 3 para. 1 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. **4(a)**
- I2** Sch. 3 para. 1 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), art. **2(1)(k)**
- I3** Sch. 3 para. 1(1) in force at 31.12.2007 for specified purposes by [S.I. 2007/3545](#), art. **2(j)**

Inclusion subject to consideration of representations

- 2 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.
- [^{F2}[^{F3}(2) Sub-paragraph (4) applies if it appears to DBS that—

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- (a) this paragraph applies to a person, and
 - (b) the person is or has been, or might in future be, engaged in regulated activity relating to children.]
- (4) [F4DBS] must give the person the opportunity to make representations as to why the person should not be included in the children's barred list.
- (5) Sub-paragraph (6) applies if—
- (a) the person does not make representations before the end of any time prescribed for the purpose, or
 - (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).
- (6) If [F4DBS] —
- (a) is satisfied that this paragraph applies to the person, and
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,
- it must include the person in the list.
- (7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.
- (8) If [F4DBS] —
- (a) is satisfied that this paragraph applies to the person,
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children, and
 - (c) is satisfied that it is appropriate to include the person in the children's barred list,
- it must include the person in the list.]

Textual Amendments

- F2** Sch. 3 para. 2(2)-(8) substituted for Sch. 3 para. 2(2)-(4) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 67\(2\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(d\) \(with arts. 6-16\) \(as amended \(31.3.2014\) by S.I. 2014/831, art. 2\(2\)\)](#)
- F3** Sch. 3 para. 2(2) substituted for Sch. 3 para 2(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 57 \(with Pt. 4\)](#)
- F4** Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 3\(f\)\(i\) \(with Pt. 4\)](#)

Modifications etc. (not altering text)

- C3** Sch. 3 para. 2 modified (temp.) (12.10.2009) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5\) Order 2009 \(S.I. 2009/2610\), arts. 1\(1\), 9\(3\)](#)

Commencement Information

- I4** Sch. 3 para. 2 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(a\)](#)
- I5** Sch. 3 para. 2 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(k\)](#)
- I6** Sch. 3 para. 2(1) in force at 31.12.2007 for specified purposes by [S.I. 2007/3545, art. 2\(j\)](#)

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Behaviour

- 3 (1) This paragraph applies to a person if—
- (a) it appears to [F⁴DBS] that the person [F⁵—
 - (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) [F⁴DBS] proposes to include him in the children's barred list.
- (2) [F⁴DBS] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F⁴DBS] must include the person in the children's barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct,
 - [F⁶(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) it [F⁷;is satisfied] that it is appropriate to include the person in the list.
- (4) This paragraph does not apply to a person if the relevant conduct consists only of an offence committed against a child before the commencement of section 2 and the court, having considered whether to make a disqualification order, decided not to.
- (5) In sub-paragraph (4)—
- (a) the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000 (c. 43);
 - (b) a disqualification order is an order under section 28, 29 or 29A of that Act.

Textual Amendments

- F4** Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(i)** (with Pt. 4)
- F5** Words in Sch. 3 para. 3(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 67(3)(a)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))
- F6** Sch. 3 para. 3(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 67(3)(b)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))
- F7** Words in Sch. 3 para. 3(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 67(3)(c)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))

Commencement Information

- I7** Sch. 3 para. 3 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I8** Sch. 3 para. 3 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

- 4 (1) For the purposes of paragraph 3 relevant conduct is—
- (a) conduct which endangers a child or is likely to endanger a child;

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- (b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;
 - (c) conduct involving sexual material relating to children (including possession of such material);
 - (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to [F4DBS] that the conduct is inappropriate;
 - (e) conduct of a sexual nature involving a child, if it appears to [F4DBS] that the conduct is inappropriate.
- (2) A person's conduct endangers a child if he—
- (a) harms a child,
 - (b) causes a child to be harmed,
 - (c) puts a child at risk of harm,
 - (d) attempts to harm a child, or
 - (e) incites another to harm a child.
- (3) “Sexual material relating to children” means—
- (a) indecent images of children, or
 - (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.
- (4) “Image” means an image produced by any means, whether of a real or imaginary subject.
- (5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.
- (6) For the purposes of sub-paragraph (1)(d) and (e), [F4DBS] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F4 Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(i)** (with Pt. 4)

Commencement Information

I9 Sch. 3 para. 4 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**

I10 Sch. 3 para. 4(1)-(4)(6) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

I11 Sch. 3 para. 4(5) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), **art. 2, Sch.**

Risk of harm

- 5 (1) This paragraph applies to a person if—
- (a) it appears to [F4DBS] that the person[F8]—
 - (i) falls within sub-paragraph (4), and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children] and
 - (b) [F4DBS] proposes to include him in the children's barred list.

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- (2) [^{F4}DBS] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [^{F4}DBS] must include the person in the children's barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4),
 - [^{F9}(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) it [^{F10}is satisfied] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
- (a) harm a child,
 - (b) cause a child to be harmed,
 - (c) put a child at risk of harm,
 - (d) attempt to harm a child, or
 - (e) incite another to harm a child.

Textual Amendments

- F4** Word in Sch. 3 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(i)** (with Pt. 4)
- F8** Words in Sch. 3 para. 5(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(4)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F9** Sch. 3 para. 5(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(4)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F10** Words in Sch. 3 para. 5(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **67(4)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

- I12** Sch. 3 para. 5 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(a)
- I13** Sch. 3 para. 5 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), art. 2(1)(k)

Restriction on inclusion

- 6 (1) [^{F11}DBS] must not include a person in the children's barred list—
- (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
 - (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of [^{F11}DBS] .

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- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

Textual Amendments

- F11** Word in [Sch. 3 para. 6](#) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(f)(iii)** (with Pt. 4)

Commencement Information

- I14** Sch. 3 para. 6 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I15** Sch. 3 para. 6 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), **art. 2**, [Sch.](#)
- I16** Sch. 3 para. 6(1)(b)(2)(3) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(o)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(8A)(8B) inserted by [2008 c. 14 Sch. 14 para. 8](#)
- s. 6(8A) word omitted by [S.I. 2016/413 reg. 253\(a\)\(i\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 6(8A) words inserted by [S.I. 2016/413 reg. 253\(a\)\(ii\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 13(1A) inserted by [2009 c. 26 s. 82\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(3A) inserted by [2009 c. 26 s. 82\(4\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(6) inserted by [2009 c. 26 s. 82\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(11) substituted by [2009 c. 26 s. 82\(7\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(2)(aa)(ab) inserted by [2009 c. 26 s. 85\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(6A)(6B) inserted by [2009 c. 26 s. 85\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30A30B substituted for s. 30-32 by [2012 c. 9 s. 72\(1\)](#)
- s. 32(3)(aa) inserted by [2009 c. 26 s. 86\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 33(3A)-(3D) inserted by [2012 c. 9 s. 72\(2\)\(c\)](#)
- s. 34A-34C inserted by [2009 c. 26 s. 87\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 34ZA inserted by [2012 c. 9 s. 73](#)
- s. 41(4A)-(4C) inserted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 48(2A) inserted by [2012 c. 9 s. 76\(3\)\(c\)](#)
- s. 49(2A) inserted by [2012 c. 9 s. 76\(4\)\(c\)](#)
- s. 56(3)(fa) inserted by [2012 c. 9 Sch. 9 para. 68\(4\)\(b\)](#)
- Sch. 3 para. 5A inserted by [2012 c. 9 s. 74\(1\)](#)
- Sch. 3 para. 11A inserted by [2012 c. 9 s. 74\(3\)](#)

– Sch. 4 para. 1(9B)(ia) inserted by [2022 asc 1 Sch. 4 para. 21\(2\)](#)