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## DRAFT STATUTORY INSTRUMENTS

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### 2009 No.

## The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009

### PART 5

#### Further Transitional Provisions

#### Information provided by IBB

**21.**—(1) IBB may provide to either of the persons specified in paragraph (2) any information specified in paragraph (3).

(2) The persons are—

- (a) the Secretary of State for the purposes of his functions under the Teachers' Pensions Regulations 1997, Part 5 of the Police Act 1997 and article 22;
- (b) the Scottish Ministers for the purposes of their functions under Part 5(1) of the Police Act 1997.

(3) The information is—

- (a) information provided to IBB under paragraph 20 of Schedule 3 to the Act;
- (b) the fact that a person is included in a barred list;
- (c) the fact that IBB is considering including a person in a barred list;
- (d) the personal details of any person referred to in sub-paragraph (b) or (c);

(4) In paragraph (3) “personal details” includes the name (including any former name or alias), address, gender and date of birth of a person together with such further details as IBB considers are necessary to identify the person in question.

(5) IBB may, at the request of a person (X) who meets the requirement specified in paragraph (7), inform that person whether a person (Y) falls within paragraph (6).

(6) Y falls within this paragraph if Y is—

- (a) included in the list kept under section 1 of the 1999 Act;
- (b) included in the list kept under section 81 of the 2000 Act;
- (c) subject to a direction under section 142 of the 2002 Act;
- (d) included in a barred list.

(7) The requirement is that X satisfies IBB that X has a legitimate interest in knowing whether Y falls within paragraph (6).

(8) If IBB—

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(1) By virtue of section 53 of the Scotland Act 1998 (c. 46), the functions of the Secretary of State under Part 5 of the Police Act 1997 (c. 50) are exercised by the Scottish Ministers.

- (a) knows or thinks that a person appears in the register of teachers maintained under section 3(2) of the Teaching and Higher Education Act 1998(3), and
  - (b) becomes aware of relevant information relating to that person,
- it must provide that information to the General Teaching Council for England(4) or General Teaching Council for Wales(5), as the case may be.
- (9) In paragraph (8) “relevant information” is information which—
- (a) relates to the protection of children or vulnerable adults in general, or
  - (b) is relevant to the exercise of any function of the General Teaching Council for England or the General Teaching Council for Wales,
- and includes information specified in paragraph (3).

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(2) Section 3 was amended by paragraphs 1 and 3(1) to (6) of Part 1 of Schedule 12 to the Education Act 2002 (“the 2002 Act”) and by paragraph 76(b) of Schedule 21 to that Act. It was repealed in part by paragraph 76(a) of Schedule 21 and by Part 3 of Schedule 22 to the 2002 Act. It is to be further amended by paragraphs 2 and 4 of Part 1 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 and repealed in part by Schedule 10 to that Act.

(3) [1998 c. 30](#).

(4) The General Teaching Council for England is established under section 1 of the Teaching and Higher Education Act [1998 \(c. 30\)](#).

(5) The General Teaching Council for Wales is established under [S.I. 1998/2911](#).