



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Barring

1 Independent Barring Board

- (1) There shall be a body corporate to be known as the Independent Barring Board (“IBB”).
- (2) Schedule 1 makes provision relating to IBB.
- (3) Schedule 2 (transfers to IBB) has effect.

Commencement Information

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| II | S. 1 in force at 2.1.2008 for E.W. by S.I. 2007/3545 , art. 3 |
| I2 | S. 1 in force at 31.3.2008 for N.I. by S.I. 2008/930 , art. 2(a) |

2 Barred lists

- (1) IBB must establish and maintain—
 - (a) the children's barred list;
 - (b) the adults' barred list.
- (2) Part 1 of Schedule 3 applies for the purpose of determining whether an individual is included in the children's barred list.
- (3) Part 2 of that Schedule applies for the purpose of determining whether an individual is included in the adults' barred list.
- (4) Part 3 of that Schedule contains supplementary provision.
- (5) In respect of an individual who is included in a barred list, IBB must keep other information of such description as is prescribed.

Status: Point in time view as at 12/10/2009.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Cross Heading: Barring is up to date with all changes known to be in force on or before 23 March 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)

Commencement Information

- I3** S. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**
- I4** S. 2 in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(a)**
- I5** S. 2 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, **art. 2, Sch.**
- I6** S. 2(2)(3) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(a)**
- I7** S. 2(2)-(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(o)**
- I8** S. 2(4) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(b)**
- I9** S. 2(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(v)**
- I10** S. 2(5) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(c)**

3 Barred persons

- (1) A reference to a person being barred from regulated activity must be construed in accordance with this section.
- (2) A person is barred from regulated activity relating to children if he is—
 - (a) included in the children's barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the children's barred list.
- (3) A person is barred from regulated activity relating to vulnerable adults if he is—
 - (a) included in the adults' barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Commencement Information

- I11** S. 3 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, **art. 2, Sch.**
- I12** S. 3(1)(2)(a) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**
- I13** S. 3(2)(b)(3)(b) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(a)**

4 Appeals

- (1) An individual who is included in a barred list may appeal to the [F1Upper] Tribunal against—
 - (a) a decision under paragraph 2 or 8 of Schedule 3 not to remove him from the list;
 - (b) a decision under paragraph 3, 5, 9 or 11 of that Schedule to include him in the list;
 - (c) a decision under paragraph 17 or 18 of that Schedule not to remove him from the list.
- (2) An appeal under subsection (1) may be made only on the grounds that IBB has made a mistake—
 - (a) on any point of law;
 - (b) in any finding of fact which it has made and on which the decision mentioned in that subsection was based.

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- (3) For the purposes of subsection (2), the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact.
- (4) An appeal under subsection (1) may be made only with the permission of the [F1Upper] Tribunal.
- (5) Unless the [F1Upper] Tribunal finds that IBB has made a mistake of law or fact, it must confirm the decision of IBB.
- (6) If the [F1Upper] Tribunal finds that IBB has made such a mistake it must—
 - (a) direct IBB to remove the person from the list, or
 - (b) remit the matter to IBB for a new decision.
- (7) If the [F1Upper] Tribunal remits a matter to IBB under subsection (6)(b)—
 - (a) the [F1Upper] Tribunal may set out any findings of fact which it has made (on which IBB must base its new decision); and
 - (b) the person must be removed from the list until IBB makes its new decision, unless the [F1Upper] Tribunal directs otherwise.

F2(8)

F2(9)

F2(10)

F2(11)

Textual Amendments

- F1** Word in s. 4 inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 222(a)**
- F2** S. 4(8)-(11) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 222(b)**

Modifications etc. (not altering text)

- C1** S. 4 applied (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **4(6)**
- C2** S. 4 applied (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **2(6)**
- C3** S. 4 transfer of functions (3.11.2008) by [First-tier Tribunal and Upper Tribunal \(Chambers\) Order 2008 \(S.I. 2008/2684\)](#), arts. 1, **7(a)(vi)**

Commencement Information

- I14** S. 4(1)-(7)(9)-(11) in force at 19.5.2008 by [S.I. 2008/1320](#), **art. 2(b)**
- I15** S. 4(8) in force at 31.12.2007 by [S.I. 2007/3545](#), **art. 2(d)**

Status:

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