



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.

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.

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.

4 Appeals

- (1) An individual who is included in a barred list may appeal to the 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.
- (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 Tribunal.
- (5) Unless the Tribunal finds that IBB has made a mistake of law or fact, it must confirm the decision of IBB.
- (6) If the 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 Tribunal remits a matter to IBB under subsection (6)(b)—
- (a) the 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 Tribunal directs otherwise.
- (8) The Secretary of State may by regulations make provision as to the procedure of the Tribunal (including provision as to the award of costs by the Tribunal).
- (9) A person may appeal on a point of law to the Court of Appeal against a decision of the Tribunal.
- (10) An appeal under subsection (9) may be made only with the permission of the Court of Appeal.

- (11) In this section “the Tribunal” means the Tribunal established under section 9 of the Protection of Children Act [1999 \(c. 14\)](#).