

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 8 is up to date with all changes known to be in force on or before 17 November 2017. 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)

SCHEDULES

SCHEDULE 8

Section 62

TRANSITIONAL PROVISIONS

Advice by [F1DBS]

Annotations:

Amendments (Textual)

- F1** Word in Sch. 8 para. 1 heading 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(h)** (with Pt. 4)

- 1 [F2DBS] must provide the Secretary of State with such advice as he requests in connection with—
- (a) any decision in relation to the inclusion of a person in the list kept under section 1 of the Protection of Children Act 1999 (c. 14);
 - (b) any decision in relation to the inclusion of a person in the list kept under section 81 of the Care Standards Act 2000 (c. 14);
 - (c) any decision in relation to a direction under section 142 of the Education Act 2002 (c. 32) in relation to a person.

Annotations:

Amendments (Textual)

- F2** Word in Sch. 8 para. 1 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(h)** (with Pt. 4)

Commencement Information

- I1** Sch. 8 para. 1 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(q)

Existing restrictions relating to children

- 2 (1) This paragraph applies to a person who is—
- (a) included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14) (individuals considered unsuitable to work with children);
 - (b) disqualified from working with children by virtue of an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000 (c. 43);
 - (c) subject to a direction under section 142 of the Education Act 2002 (prohibition from teaching etc).
- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—

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- (a) requiring [^{F3}DBS] to include the person in the children's barred list;
 - (b) requiring [^{F3}DBS] to consider including the person in the children's barred list;
 - (c) as to circumstances in which the person may make representations to [^{F3}DBS] and the time at which such representations may be made;
 - (d) modifying the provisions of this Act so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 3 in connection with [^{F3}DBS's] consideration of any matter relating to the person.
- (3) An order under this paragraph may contain provision—
- ^{F4}(a)
 - (b) enabling the General Teaching Council for Wales to make determinations on an application by a person who has ceased to be subject to a direction under section 142 of the Education Act 2002 in relation to his eligibility for registration under the Teaching and Higher Education Act 1998;
 - (c)
 - (d) for the Welsh Ministers to prescribe the procedure in relation to an application as mentioned in paragraph (b).
- (4) In sub-paragraph [^{F5}(3)(d)] “prescribe” means prescribe by regulations made by statutory instrument.
- (5) Regulations made by virtue of sub-paragraph (3)(c) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations made by virtue of sub-paragraph (3)(d) are subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) Sections 61(5) and 64(1) apply to power to make regulations by virtue of sub-paragraph [^{F6}(3)(d)] as they apply to power to make regulations under this Act.

Annotations:

Amendments (Textual)

- F3** Word in Sch. 8 para. 2(2) 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(h)** (with Pt. 4)
- F4** Sch. 8 para. 2(3)(a)(c) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(5)(a)**; S.I. 2012/924, art. 2
- F5** Words in Sch. 8 para. 2(4) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(5)(b)**; S.I. 2012/924, art. 2
- F6** Words in Sch. 8 para. 2(7) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(5)(c)**; S.I. 2012/924, art. 2

Commencement Information

- I2** Sch. 8 para. 2 in force at 31.12.2007 for specified purposes by [S.I. 2007/3545](#), art. 2(h)
- I3** Sch. 8 para. 2 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(q)

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Existing restrictions relating to vulnerable adults

- 3 (1) This paragraph applies to a person who is included in the list kept under section 81 of the Care Standards Act 2000 (c. 14) (individuals considered unsuitable to work with certain adults).
- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
- (a) requiring [F7DBS] to include the person in the adults' barred list;
 - (b) requiring [F7DBS] to consider including the person in the adults' barred list;
 - (c) as to circumstances in which the person may make representations to [F7DBS] and the time at which such representations may be made;
 - (d) modifying the provisions of this Act so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 3 in connection with [F7DBS's] consideration of any matter relating to the person.

Annotations:

Amendments (Textual)

- F7** Word in Sch. 8 para. 3(2) 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(h)** (with Pt. 4)

Commencement Information

- I4** Sch. 8 para. 3 in force at 31.12.2007 for specified purposes by [S.I. 2007/3545](#), art. 2(h)
- I5** Sch. 8 para. 3 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(q)

Existing restrictions: supplementary

- 4 An order under paragraph 2 or 3 may—
- (a) modify any criminal offence created by this Act;
 - (b) create any new criminal offence,
- but the penalty for an offence created by virtue of this paragraph must not exceed level 5 on the standard scale.

Annotations:

Commencement Information

- I6** Sch. 8 para. 4 in force at 31.12.2007 for specified purposes by [S.I. 2007/3545](#), art. 2(h)
- I7** Sch. 8 para. 4 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(q)

F8 ...

Annotations:

Amendments (Textual)

- F8** Sch. 8 para. 5 and cross-heading repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by

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Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 74, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

Changes to legislation:

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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. 30A 30B 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. 3 para. 16(4)(m) inserted by [2017 c. 16 Sch. 5 para. 35](#)

– Sch. 5 para. 12(a)(b) substituted by [S.I. 2009/203 art. 14\(3\)](#)