

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, SCHEDULE 9 is up to date with all changes known to be in force on or before 01 July 2018. 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 9

Section 63

AMENDMENTS

PART 1

EXISTING LISTS

Children Act 1989 (c. 41)

- 1 In Schedule 9A to the Children Act 1989 (child minding and day care for young children), after paragraph 4(2)(b) insert—
- “(ba) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006);”.

Annotations:

Commencement Information

- I1** Sch. 9 para. 1 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Teaching and Higher Education Act 1998 (c. 30)

- 2 The Teaching and Higher Education Act 1998 is amended as follows.

Annotations:

Commencement Information

- I2** Sch. 9 para. 2 in force at 17.12.2008 for specified purposes by [S.I. 2008/3204](#), [art. 2\(c\)](#)
- I3** Sch. 9 para. 2 in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(h\)](#)
- I4** Sch. 9 para. 2 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

- 3 Section 2(4) (advisory functions of General Teaching Council) is omitted.

Annotations:

Commencement Information

- I5** Sch. 9 para. 3 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

- 4 In section 3(3) (eligibility for registration), after paragraph (a) insert—
- “(aa) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006);”.

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Annotations:

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I6 Sch. 9 para. 4 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

- 5 (1) Section 15 (supply of information following dismissal etc) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) for “a person's services on a ground mentioned in section 142 of the Education Act 2002” substitute “ the services of a registered teacher on a ground mentioned in subsection (1A) ”;
- (b) in paragraph (b)—
- (i) for “a person's” substitute “ a registered teacher's ”;
- (ii) for “section” substitute “ subsection ”;
- (iii) for “the person” substitute “ the teacher ”.
- (3) After subsection (1) insert—
- “(1A) The grounds are—
- (a) misconduct;
- (b) professional incompetence;
- (c) conviction of a relevant offence within the meaning of paragraph 8 of Schedule 2.”
- (4) In subsection (2)—
- (a) for “a person” substitute “ a teacher ”;
- (b) for the words from “such of the following” to the end substitute “ the Council ”.
- (5) In subsection (3)—
- (a) for “a person” substitute “ a teacher ”.
- (b) for the words from “such of the following” to the end substitute “ the General Teaching Council for Wales ”.
- (6) Omit subsection (4).
- (7) In subsection (5) for the definition of “relevant employer” substitute—
- ““relevant employer” means—
- (a) a local education authority;
- (b) a person exercising a function relating to the provision of education on behalf of a local education authority;
- (c) the proprietor of a school;
- (d) the governing body of a further education institution;
- “education” includes vocational, social, physical and recreational training;
- “proprietor” and “school” have the meanings given in the Education Act 1996;
- “further education institution” has the meaning given in section 140 of the Education Act 2002;”.

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- I7** Sch. 9 para. 5 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I8** Sch. 9 para. 5(1) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204, art. 2\(b\)\(iii\)](#)
- I9** Sch. 9 para. 5(1) in force at 20.1.2009 for specified purposes by [S.I. 2009/39, art. 2\(1\)\(I\)\(3\)\(c\)](#)
- I10** Sch. 9 para. 5(2)(3)(6)(7) in force at 17.12.2008 for specified purposes for E. by [S.I. 2008/3204, art. 2\(b\)\(i\)](#)
- I11** Sch. 9 para. 5(2)(3)(6)(7) in force at 20.1.2009 for E. so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(I\)\(3\)\(a\)](#)
- I12** Sch. 9 para. 5(4) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204, art. 2\(b\)\(ii\)](#)
- I13** Sch. 9 para. 5(4) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(I\)\(3\)\(b\)](#)

- 6 (1) Section 15A (supply of information by contractor, agency, etc) is amended as follows.
- (2) In subsection (1) for “another person (the “worker”)” substitute “ a registered teacher (the “teacher”) ”.
- (3) In subsection (2)—
- (a) in paragraph (a) for “section 142 of the Education Act 2002” substitute “ section 15(1A) ”;
 - (b) in paragraph (b) for “section” substitute “ subsection ”;
 - (c) in paragraph (c)—
 - (i) for “worker” substitute “ teacher ”;
 - (ii) for “section” substitute “ subsection ”.
- (4) In subsection (3)—
- (a) for “worker” substitute “ teacher ”;
 - (b) for the words from “such of the following” to the end substitute “ the Council ”.
- (5) In subsection (4)—
- (a) for “worker” substitute “ teacher ”;
 - (b) for the words from “such of the following” to the end substitute “ the General Teaching Council for Wales ”.
- (6) In subsection (9)—
- (a) for “Subsections (4) and” substitute “ Subsection ”;
 - (b) for “they apply” substitute “ it applies ”.

Annotations:

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- I14** Sch. 9 para. 6 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I15** Sch. 9 para. 6(1) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204, art. 2\(b\)\(vi\)](#)
- I16** Sch. 9 para. 6(1) in force at 20.1.2009 for specified purposes by [S.I. 2009/39, art. 2\(1\)\(I\)\(3\)\(f\)](#)
- I17** Sch. 9 para. 6(2)(3)(6) in force at 17.12.2008 for specified purposes for E. by [S.I. 2008/3204, art. 2\(b\)\(iv\)](#)
- I18** Sch. 9 para. 6(2)(3)(6) in force at 20.1.2009 for E. so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(I\)\(3\)\(d\)](#)
- I19** Sch. 9 para. 6(4) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204, art. 2\(b\)\(v\)](#)

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I20 Sch. 9 para. 6(4) in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(e\)](#)

7 In paragraph 1(4) of Schedule 2 (disciplinary powers of Council), for the words from “of the powers exercisable” to the end substitute “ of the powers exercisable by the Independent Barring Board under the Safeguarding Vulnerable Groups Act 2006 ”.

Annotations:

Commencement Information

I21 Sch. 9 para. 7 in force at 17.12.2008 for specified purposes for E. by [S.I. 2008/3204](#), [art. 2\(b\)\(vii\)](#)

I22 Sch. 9 para. 7 in force at 20.1.2009 for E. so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(l\)\(3\)\(g\)](#)

I23 Sch. 9 para. 7 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Protection of Children Act 1999 (c. 14)

- 8 (1) The Protection of Children Act 1999 is amended as follows.
- (2) Sections 1 to 4C and 7 (list of persons considered unsuitable to work with children) are omitted.
- (3) In section 9 (the Tribunal)—
- (a) in subsection (1), omit the words from “ which shall exercise ” to the end;
 - (b) in subsection (2)—
 - (i) omit paragraphs (a) and (b);
 - (ii) in paragraph (d), for “68, 86, 87 or 88” substitute “ or 68 ”;
 - (iii) omit paragraph (e);
 - (c) omit subsection (3A).
- (4) In section 12 (interpretation)—
- (a) in subsection “ (1) ”, omit all the definitions except the definition of “prescribed”;
 - (b) omit subsections “ (2) to (3A) ”.

Annotations:

Commencement Information

I24 Sch. 9 para. 8 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Care Standards Act 2000 (c. 14)

9 Sections 80 to 89 and 91 to 93 of the Care Standards Act 2000 (list of persons considered unsuitable to work with vulnerable adults) are omitted.

Annotations:

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I25 Sch. 9 para. 9 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

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Childcare Act 2006

- 10 (1) In section 75(3) of the Childcare Act 2006 (disqualification from registration), after paragraph (b) insert—
- “(ba) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006);”.

Annotations:

Commencement Information

I26 Sch. 9 para. 10 in force at 19.5.2008 by [S.I. 2008/1320](#), [art. 2\(d\)](#)

PART 2

OTHER AMENDMENTS

Police Pensions Act 1976 (c. 35)

- 11 (1) The Police Pensions Act 1976 is amended as follows.
- (2) In section 7(2) (persons eligible for police pensions), after paragraph (cf) insert—
- “(cg) a member of staff of the Independent Barring Board who holds the office of constable;”.
- (3) In section 11—
- (a) in subsection (1) (references to membership of a police force etc.), after paragraph (bf) insert—
- “(bg) service, by a person holding the office of constable, as a member of staff of the Independent Barring Board;”
- (b) in subsection (2) (meaning of “police authority”), after paragraph (f) insert—
- “(bg) in relation to any service such as is mentioned in subsection (1)(bg), it means the Independent Barring Board;”
- (c) in subsection (3) (meaning of “police force”), in paragraph (b), after “(bf),” insert “(bg), ”>.

Annotations:

Commencement Information

I27 Sch. 9 para. 11 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Children Act 1989 (c. 41)

- 12 In section 68 of the Children Act 1989 (persons disqualified from being private foster parents) after subsection (3) insert—
- “(3A) A person shall not foster a child privately if—

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- (a) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006); or
- (b) he lives in the same household as a person who is barred from such activity.”

Annotations:

Commencement Information

I28 Sch. 9 para. 12 in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, [Sch.](#)

Police Act 1996 (c. 16)

- 13 (1) Section 97 of the Police Act 1996 (police officers engaged on service outside their force) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (cg) insert—
- “(ch) temporary service with the Independent Barring Board on which a person is engaged with the consent of the appropriate authority;”.
- (3) In subsections (6)(a) and (8), after “(cg)” insert “ , (ch) ”>.

Annotations:

Commencement Information

I29 Sch. 9 para. 13 in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, [Sch.](#)

Police Act 1997 (c. 50)

- 14 (1) The Police Act 1997 is amended as follows.
- (2) In section 113A (criminal record certificates) after subsection (6) insert—
- “(7) The Secretary of State may by order amend the definitions of “central records” and “relevant matter” in subsection (6).
- (8) The power to make an order under subsection (7) is exercisable by statutory instrument, but no such order may be made unless a draft of the instrument containing the order is laid before and approved by resolution of each House of Parliament.”
- (3) In section 113B (enhanced criminal record certificates), in subsection (2)(b) after “required” insert “ for the purposes of an exempted question asked ”.
- (4) After section 113B insert—
- “113BA Suitability information relating to children**
- (1) In such cases as are prescribed, an enhanced criminal record certificate must also include suitability information relating to children.
- (2) Suitability information relating to children is—

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- (a) whether the applicant is barred from regulated activity relating to children;
 - (b) if the applicant is barred from such activity, such details as are prescribed of the circumstances in which he became barred;
 - (c) whether the applicant is subject to monitoring in relation to regulated activity relating to children;
 - (d) whether the Independent Barring Board is considering whether to include the applicant in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 3 to the 2006 Act.
- (3) Expressions used in this section and in the 2006 Act have the same meaning in this section as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.
- (4) “The 2006 Act” means the Safeguarding Vulnerable Groups Act 2006.

113BB Suitability information relating to vulnerable adults

- (1) In such cases as are prescribed, an enhanced criminal record certificate must also include suitability information relating to vulnerable adults.
- (2) Suitability information relating to vulnerable adults is —
- (a) whether the applicant is barred from regulated activity relating to vulnerable adults;
 - (b) if the applicant is barred from such activity, such details as are prescribed of the circumstances in which he became barred;
 - (c) whether the applicant is subject to monitoring in relation to regulated activity relating to vulnerable adults;
 - (d) whether the Independent Barring Board is considering whether to include the applicant in the adults' barred list in pursuance of paragraph 9 or 11 of Schedule 3 to the 2006 Act.
- (3) Expressions used in this section and in the 2006 Act have the same meaning in this section as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.
- (4) “The 2006 Act” means the Safeguarding Vulnerable Groups Act 2006.

113BC Suitability information: power to amend

- (1) The Secretary of State may by order made by statutory instrument—
- (a) amend section 113BA for the purpose of altering the meaning of suitability information relating to children;
 - (b) amend section 113BB for the purpose of altering the meaning of suitability information relating to vulnerable adults.
- (2) Such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”

^{F1}(5)

(6)

(7) In section 119 (sources of information)—

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- (a) in subsection (1), for the words from “his functions” to the end substitute “a relevant function”;
- (b) before subsection (2) insert—
- “(1B) The Secretary of State may require the chief officer of a police force to make available such information as he may specify for the purpose of determining, in relation to applications under section 113B, whether the police force is a relevant police force.”;
- ^{F2}(c)
- (d) after subsection (7) insert—
- “(8) In this section a relevant function is a function of the Secretary of State —
- (a) under this Part in relation to any application for a certificate or for registration;
- (b) under this Part in relation to the determination of whether a person should continue to be a registered person;
- (c) under section 24 of the Safeguarding Vulnerable Groups Act 2006 in relation to monitoring a person in relation to a regulated activity (within the meaning of that Act);
- (d) under paragraph 1, 2, 7 or 8 of Schedule 3 to that Act (considering whether criteria prescribed for the purpose of that paragraph apply to an individual).”

Annotations:

Amendments (Textual)

- F1** Sch. 9 para. 14(5)(6) repealed (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 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 6](#) (with s. 97); S.I. 2012/2234, art. 2(cc)
- F2** Sch. 9 para. 14(7)(c) repealed (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 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)

Modifications etc. (not altering text)

- C1** Sch. 9 para. 14 extended (Guernsey) (with modifications) (10.12.2009) by [Police Act 1997 \(Criminal Records\) \(Guernsey\) Order 2009 \(S.I. 2009/3215\)](#), art. 4, [Sch. 2](#), [Sch. 3](#) (with arts. 1(5), 6-8)
- C2** Sch. 9 para. 14 extended (Isle of Man) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) Order 2010 \(S.I. 2010/764\)](#), arts. 1(2), 4, [Sch. 2](#), [Sch. 3](#) (with arts. 1(5), 6-8)
- C3** Sch. 9 para. 14 extended (Jersey) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) Order 2010 \(S.I. 2010/765\)](#), arts. 1(2), 4, [Sch. 2](#), [Sch. 3](#) (with arts. 1(5), 6-8)

Commencement Information

- I30** Sch. 9 para. 14 in force at 12.10.2009 for N.I. by S.I. 2009/2611, art. 2, [Sch.](#)
- I31** Sch. 9 para. 14(1)(4) in force at 22.6.2009 for specified purposes by S.I. 2009/1503, [art. 2\(a\)](#)
- I32** Sch. 9 para. 14(1)(4) in force at 12.10.2009 for E.W. in so far as not already in force by S.I. 2009/2610, [art. 2\(a\)](#) (with arts. 4-23)
- I33** Sch. 9 para. 14(2)(3)(5)-(7) in force at 12.10.2009 for E.W. by S.I. 2009/2610, [art. 2\(a\)](#) (with arts. 4-23)

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Data Protection Act 1998 (c. 29)

- 15 (1) The Data Protection Act 1998 is amended as follows.
- (2) In section 56 (prohibition of requirement as to production of certain records) in the table in subsection (6)—
- (a) in the second column of the entry relating to the Secretary of State, after paragraph (f) insert—

“ (g) His functions under the Safeguarding Vulnerable Groups Act 2006.”

- (b) after the entry relating to the Department of Health and Social Services in Northern Ireland insert—

“4. The Independent Barring Board Its functions under the Safeguarding Vulnerable Groups Act 2006.”

- (3) In section 75 (commencement etc.), after subsection (4) insert—

“(4A) Subsection (4) does not apply to section 56 so far as that section relates to a record containing information relating to—

- (a) the Secretary of State's functions under the Safeguarding Vulnerable Groups Act 2006, or
- (b) the Independent Barring Board's functions under that Act.”

Annotations:

Commencement Information

I34 Sch. 9 para. 15 in force at 19.5.2008 by [S.I. 2008/1320](#), [art. 3](#)

Care Standards Act 2000 (c. 14)

- 16 In section 58 of the Care Standards Act 2000, after subsection (3) insert—

“(4) For the purposes of subsection (1)(a), in considering whether a person is of good character, the Council may have regard to whether he is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006).”

Annotations:

Commencement Information

I35 Sch. 9 para. 16 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

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\(3\)](#)