



Policing and Crime Act 2009

2009 CHAPTER 26

PART 8

MISCELLANEOUS

CHAPTER 1

SAFEGUARDING VULNERABLE GROUPS AND CRIMINAL RECORDS

Renaming of Independent Barring Board

81 Renaming of Independent Barring Board

- (1) The Independent Barring Board is renamed the Independent Safeguarding Authority.
- (2) For the words in the left-hand column of the table, wherever they appear in the enactments mentioned in subsection (3), substitute the corresponding words in the right-hand column of the table.

| <i>Existing words</i> | <i>Substitution</i> |
|-------------------------------|--|
| “Independent Barring Board” | “Independent Safeguarding Authority” |
| “Independent Barring Board’s” | “Independent Safeguarding Authority’s” |
| “IBB” | “ISA” |
| “IBB’s” | “ISA’s” |

- (3) The enactments are—
 - (a) Schedule 1 to the [Superannuation Act 1972 \(c. 11\)](#),
 - (b) sections 7 and 11 of the [Police Pensions Act 1976 \(c. 35\)](#),
 - (c) section 35C of the [Medical Act 1983 \(c. 54\)](#),
 - (d) section 13D of the [Opticians Act 1989 \(c. 44\)](#),

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- (e) section 20 of the [Osteopaths Act 1993 \(c. 21\)](#),
 - (f) section 20 of the [Chiropractors Act 1994 \(c. 17\)](#),
 - (g) section 97 of the [Police Act 1996 \(c. 16\)](#),
 - (h) sections 113BA, 113BB, 113CA and 113CB of the [Police Act 1997 \(c. 50\)](#),
 - (i) sections 56 and 75 of the [Data Protection Act 1998 \(c. 29\)](#),
 - (j) paragraph 1 of Schedule 2 to the [Teaching and Higher Education Act 1998 \(c. 30\)](#),
 - (k) section 167C of the [Education Act 2002 \(c. 32\)](#),
 - (l) section 171 of the [Education and Inspections Act 2006 \(c. 40\)](#),
 - (m) the following enactments in the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#) (including any relevant headings)—
 - (i) sections 1, 2, 4, 6, 15, 25, 35, 36 to 47 and 50,
 - (ii) paragraphs 1, 3 to 7 and 9 to 16 of Schedule 1,
 - (iii) paragraphs 1 and 2 of Schedule 2,
 - (iv) paragraphs 2 to 6, 8 to 21, 23 and 25 of Schedule 3,
 - (v) paragraphs 4 and 8 of Schedule 4,
 - (vi) paragraph 2 of Schedule 5, and
 - (vii) paragraphs 1 to 3 of Schedule 8,
 - (n) sections 39, 40 and 97 of, and Schedule 5 to, the [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#),
 - (o) the following enactments in the [Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007 \(S.I. 2007/1351 \(N.I. 11\)\)](#) (including any relevant headings)—
 - (i) Articles 2, 5, 6, 8, 10, 19, 29, 37 to 49 and 52,
 - (ii) paragraphs 2 to 6, 8 to 21, 23 and 25 of Schedule 1,
 - (iii) paragraphs 4 and 8 of Schedule 2,
 - (iv) paragraph 2 of Schedule 3, and
 - (v) paragraphs 1 to 3 of Schedule 6, and
 - (p) sections 130 and 141 of the [Education and Skills Act 2008 \(c. 25\)](#).
- (4) In the following enactments for “the Board” substitute “the Authority”—
- (a) section 167C of the [Education Act 2002 \(c. 32\)](#) (both as inserted by the [Education and Inspections Act 2006 \(c. 40\)](#) and as substituted by the [Education and Skills Act 2008 \(c. 25\)](#)), and
 - (b) section 130(4) of the [Education and Skills Act 2008 \(c. 25\)](#).
- (5) Any reference (other than those dealt with by subsections (2) to (4) above) to the Independent Barring Board in any enactment or other document passed or made before the commencement of this section is to be read as a reference to the Independent Safeguarding Authority.
- (6) Any reference to the Independent Safeguarding Authority which arises by virtue of this section is to be read, in relation to times before the commencement of this section, as a reference to the Independent Barring Board.
- (7) In this section—
- “enactment” includes an Act of the Scottish Parliament, Northern Ireland legislation and an enactment comprised in subordinate legislation,

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“subordinate legislation” has the same meaning as in the [Interpretation Act 1978 \(c. 30\)](#)) and also includes an instrument made under—

- (a) an Act of the Scottish Parliament, or
- (b) Northern Ireland legislation.

Safeguarding vulnerable groups: England and Wales

82 Educational establishments: check on members of governing body

(1) Section 13 of the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#) (educational establishments: check on members of governing body) is amended as follows.

(2) After subsection (1) insert—

“(1A) B commits an offence if—

- (a) B acts as a member of the governing body of an educational establishment mentioned in section 8(5), and
- (b) B has not consented to P making a check in accordance with section 15(2)(a) or has not provided any information required to make that check.”

(3) In subsection (2) (penalty for offence) after “(1)” insert “or (1A)”.

(4) After subsection (3) insert—

“(3A) A person does not commit an offence under subsection (1A) if, in relation to any continuous period for which the person is a member of the governing body of the establishment—

- (a) the person’s appointment first took effect before the commencement of this section, and
- (b) it continues to have effect after such commencement.”

(5) In subsection (4) (power of Secretary of State to order that subsection (3) no longer applies) for “Subsection (3) does” substitute “Subsections (3) and (3A) do”.

(6) After subsection (5) insert—

“(6) The period prescribed for the purposes of subsection (1) must not start before B has—

- (a) consented to P making a check in accordance with section 15(2)(a), and
- (b) provided any information required to make that check.”

(7) In section 8 of that Act (person not to engage in regulated activity unless subject to monitoring) for subsection (11) substitute—

“(11) A person does not commit an offence under subsection (3) if, in relation to any continuous period for which the person is a member of the governing body of the establishment—

- (a) the person’s appointment first took effect before the commencement of this section, and
- (b) it continues to have effect after such commencement.”

83 Monitoring application

In section 24 of the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#) (monitoring)—

- (a) in subsection (1)(b) for “a monitoring application” substitute “an application to the Secretary of State under this section (a “monitoring application”)”, and
- (b) for subsection (10) substitute—

“(10) The Secretary of State may determine the form, manner and contents of a monitoring application.”

84 Monitoring: additional fees

- (1) After section 24 of the [Safeguarding Vulnerable Groups Act 2006](#) insert—

“24A Monitoring: power to prescribe additional fees

- (1) An individual subject to monitoring under section 24 in relation to a regulated activity must pay a prescribed fee if—

- (a) no fee was payable by virtue of section 24(1)(d) when the individual made a monitoring application (within the meaning of section 24) in respect of the activity, and
- (b) there has been a prescribed change of circumstances as a result of which a fee would be payable by virtue of section 24(1)(d) if a monitoring application were now made in respect of the activity.

- (2) The amount of the fee payable by virtue of subsection (1) must not exceed the amount of fee which would be payable if a monitoring application were made in respect of the activity as mentioned in subsection (1)(b).

- (3) An individual does not cease to be subject to monitoring under section 24 merely because the individual fails to pay a fee required by this section (but see section 30(2A)).”

- (2) In section 25 of that Act (monitoring: fees)—

- (a) in subsection (1) after “24” insert “or in relation to a change of circumstances under section 24A”,
- (b) in subsection (2) after “made” insert “, or change of circumstances occurring”,
- (c) in subsection (3) after “made” insert “or change of circumstances occurring”,
- (d) in subsection (4) after “24” insert “or 24A”,
- (e) in subsection (5)—
 - (i) for “power” substitute “powers”, and
 - (ii) for “is” substitute “are”, and
- (f) in subsection (6) after “24(1)(d)” insert “or 24A”.

- (3) In section 30 of that Act (provision of vetting information) after subsection (2) insert—

“(2A) The Secretary of State may refuse to provide A with the information if B has failed to pay a fee required by section 24A.”

85 Vetting information

- (1) Section 30 of the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#) (provision of vetting information) is amended as follows.
- (2) In subsection (2) (appropriate declaration)—
 - (a) in paragraph (a) for “a specified entry” substitute “the table in Schedule 7”, and
 - (b) after that paragraph (but before the following “and”) insert—
 - “(aa) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults,
 - (ab) whether the information is sought by A with a view to permitting or supplying B to carry out paid activity or with a view to making a check in accordance with section 15(2)(a) in relation to the appointment of B to a position in which B will carry out paid activity.”
- (3) Omit subsection (3).
- (4) In subsection (4)(a) and (b) (information to be provided) for “column 2 of the specified entry” substitute “A’s declaration states that column 2 of the relevant entry”.
- (5) Omit subsection (5).
- (6) After subsection (6) insert—
 - “(6A) Paid activity” means an activity carried out for financial gain.
 - (6B) The Secretary of State may by regulations provide for an activity to be treated as, or not to be treated as, an activity carried out for financial gain.”

86 Notification of cessation of monitoring

- (1) Section 32 of the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#) (notification of cessation of monitoring) is amended as follows.
- (2) In subsection (3) (appropriate declaration)—
 - (a) in paragraph (a) for “a specified entry” substitute “the table in Schedule 7”, and
 - (b) after that paragraph (but before the following “and”) insert—
 - “(aa) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults,”
- (3) Omit subsection (4).
- (4) In subsection (5)(a) and (b) (information to be provided) for “column 2 of the specified entry” substitute “A’s declaration states that column 2 of the relevant entry”.
- (5) Omit subsection (8).

87 Notification of proposal to include person in barred list

- (1) The [Safeguarding Vulnerable Groups Act 2006](#) is amended as follows.
- (2) After section 34 insert—

Status: This is the original version (as it was originally enacted).

“34A Notification of proposal to include person in children’s barred list

- (1) If ISA proposes to include a person (B) in the children’s barred list in the circumstances mentioned in paragraph 3(1) or 5(1) of Schedule 3, it—
 - (a) must notify any person who is registered in relation to B under section 32 in relation to regulated activity relating to children, and
 - (b) may notify any other person who it is satisfied falls within subsection (2).
- (2) The following fall within this subsection—
 - (a) any person who is permitting B to engage in regulated activity relating to children,
 - (b) any responsible person (within the meaning of section 23) who is permitting B to engage in controlled activity relating to children.
- (3) A notification under this section must—
 - (a) explain that ISA has not yet taken a final decision about whether to include B in the barred list, and
 - (b) include such information as ISA thinks appropriate about its reasons for proposing to include B in the barred list.
- (4) The requirement to notify a person under subsection (1)(a) is satisfied if notification is sent to any address recorded against that person’s name in the register.

34B Notification of proposal to include person in adults’ barred list

- (1) If ISA proposes to include a person (B) in the adults’ barred list in the circumstances mentioned in paragraph 9(1) or 11(1) of Schedule 3, it—
 - (a) must notify any person who is registered in relation to B under section 32 in relation to regulated activity relating to vulnerable adults, and
 - (b) may notify any other person who it is satisfied falls within subsection (2).
- (2) The following fall within this subsection—
 - (a) any person who is permitting B to engage in regulated activity relating to vulnerable adults,
 - (b) any responsible person (within the meaning of section 23) who is permitting B to engage in controlled activity relating to vulnerable adults.
- (3) A notification under this section must—
 - (a) explain that ISA has not yet taken a final decision about whether to include B in the barred list, and
 - (b) include such information as ISA thinks appropriate about its reasons for proposing to include B in the barred list.
- (4) The requirement to notify a person under subsection (1)(a) is satisfied if notification is sent to any address recorded against that person’s name in the register.

Status: This is the original version (as it was originally enacted).

34C Sections 34A and 34B: notification of outcome

- (1) Subsection (2) applies if ISA—
 - (a) has notified a person (A) under section 34A or 34B that it proposes to include another (B) in a barred list, and
 - (b) includes B in the barred list or decides not to do so.
 - (2) ISA must notify A that it has included B in the barred list or that it has decided not to do so (as the case may be).
 - (3) In a case where A is registered in relation to B under section 32 (or has ceased to be so registered by virtue of B's inclusion in the barred list), the requirement in subsection (2) is satisfied if notification is sent to any address recorded (or, as the case may be, formerly recorded) against A's name in the register.”
- (3) In section 31 (vetting information)—
- (a) in subsections (2) and (3), omit paragraph (b) and the “, and” immediately before it, and
 - (b) omit subsections (4) and (5).

88 Provision of safeguarding information to the police

After section 50 of the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#) insert—

“Provision of information to the police

50A Provision of information to the police

- (1) ISA may provide any information it has to a chief officer of police for use for any of the following purposes—
 - (a) the prevention, detection and investigation of crime;
 - (b) the apprehension and prosecution of offenders.
- (2) The power conferred by subsection (1) does not limit any other power of ISA to provide information for any purpose or to any person.”

89 Barring process

- (1) Schedule 3 to the [Safeguarding Vulnerable Groups Act 2006](#) (barred lists) is amended as follows.
- (2) In paragraph 1 (automatic inclusion in children's barred list) for sub-paragraphs (2) and (3) substitute—
 - “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
 - (3) If ISA is satisfied that this paragraph applies to the person, it must include the person in the children's barred list.”
- (3) In paragraph 2 (inclusion in children's barred list subject to consideration of representations) for sub-paragraphs (2) and (3) substitute—

Status: This is the original version (as it was originally enacted).

- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
- (3) If ISA is satisfied that this paragraph applies to the person, it must—
- (a) include the person in the children’s barred list, and
 - (b) give the person an opportunity to make representations as to why the person should be removed from the children’s barred list.”
- (4) In paragraph 7 (automatic inclusion in adults’ barred list) for sub-paragraphs (2) and (3) substitute—
- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
- (3) If ISA is satisfied that this paragraph applies to the person, it must include the person in the adults’ barred list.”
- (5) In paragraph 8 (inclusion in adults’ barred list subject to consideration of representations) for sub-paragraphs (2) and (3) substitute—
- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
- (3) If ISA is satisfied that this paragraph applies to the person, it must—
- (a) include the person in the adults’ barred list, and
 - (b) give the person an opportunity to make representations as to why the person should be removed from the adults’ barred list.”
- (6) In paragraph 24(8) (Secretary of State to examine records of convictions or cautions from time to time) for “whether the criteria apply to an individual” substitute “whether there is reason to believe that the criteria might apply to an individual”.

Safeguarding vulnerable groups: Northern Ireland

90 Notification of proposal to include person in barred list: Northern Ireland

- (1) The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) is amended as follows.
- (2) After Article 36 insert—

“36A Notification of proposal to include person in children’s barred list

- (1) If ISA proposes to include a person (B) in the children’s barred list in the circumstances mentioned in paragraph 3(1) or 5(1) of Schedule 1, it—
- (a) must notify any person who is registered in relation to B under Article 34 in relation to regulated activity relating to children, and
 - (b) may notify any other person who it is satisfied falls within paragraph (2).
- (2) The following fall within this paragraph—
- (a) any person who is permitting B to engage in regulated activity relating to children,

- (b) any responsible person (within the meaning of Article 27) who is permitting B to engage in controlled activity relating to children.
- (3) A notification under this Article must—
- (a) explain that ISA has not yet taken a final decision about whether to include B in the barred list, and
 - (b) include such information as ISA thinks appropriate about its reasons for proposing to include B in the barred list.
- (4) The requirement to notify a person under paragraph (1)(a) is satisfied if notification is sent to any address recorded against that person’s name in the register.

36B Notification of proposal to include person in adults’ barred list

- (1) If ISA proposes to include a person (B) in the adults’ barred list in the circumstances mentioned in paragraph 9(1) or 11(1) of Schedule 1, it—
- (a) must notify any person who is registered in relation to B under Article 34 in relation to regulated activity relating to vulnerable adults, and
 - (b) may notify any other person who it is satisfied falls within paragraph (2).
- (2) The following fall within this paragraph—
- (a) any person who is permitting B to engage in regulated activity relating to vulnerable adults,
 - (b) any responsible person (within the meaning of Article 27) who is permitting B to engage in controlled activity relating to vulnerable adults.
- (3) A notification under this Article must—
- (a) explain that ISA has not yet taken a final decision about whether to include B in the barred list, and
 - (b) include such information as ISA thinks appropriate about its reasons for proposing to include B in the barred list.
- (4) The requirement to notify a person under paragraph (1)(a) is satisfied if notification is sent to any address recorded against that person’s name in the register.

36C Articles 36A and 36B: notification of outcome

- (1) Paragraph (2) applies if ISA—
- (a) has notified a person (A) under Article 36A or 36B that it proposes to include another (B) in a barred list, and
 - (b) includes B in the barred list or decides not to do so.
- (2) ISA must notify A that it has included B in the barred list or that it has decided not to do so (as the case may be).
- (3) In a case where A is registered in relation to B under Article 34 (or has ceased to be so registered by virtue of B’s inclusion in the barred list), the requirement in paragraph (2) is satisfied if notification is sent to any address recorded (or, as the case may be, formerly recorded) against A’s name in the register.”

Status: This is the original version (as it was originally enacted).

- (3) In Article 33 (vetting information)—
- (a) in paragraphs (2) and (3), omit sub-paragraph (b) and the “, and” immediately before it, and
 - (b) omit paragraphs (4) and (5).

91 Provision of safeguarding information to the police: Northern Ireland

After Article 52 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) insert—

“Provision of information to the police

52A Provision of information to the police

- (1) ISA may provide any information it has to the chief constable of the Police Service of Northern Ireland for use for any of the following purposes—
 - (a) the prevention, detection and investigation of crime;
 - (b) the apprehension and prosecution of offenders.
- (2) The power conferred by paragraph (1) does not limit any other power of ISA to provide information for any purpose or to any person.”

92 Barring process: Northern Ireland

- (1) Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (barred lists) is amended as follows.
- (2) In paragraph 1 (automatic inclusion in children’s barred list) for sub-paragraphs (2) and (3) substitute—
 - “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
 - (3) If ISA is satisfied that this paragraph applies to the person, it must include the person in the children’s barred list.”
- (3) In paragraph 2 (inclusion in children’s barred list subject to consideration of representations) for sub-paragraphs (2) and (3) substitute—
 - “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
 - (3) If ISA is satisfied that this paragraph applies to the person, it must—
 - (a) include the person in the children’s barred list, and
 - (b) give the person an opportunity to make representations as to why the person should be removed from the children’s barred list.”
- (4) In paragraph 7 (automatic inclusion in adults’ barred list) for sub-paragraphs (2) and (3) substitute—
 - “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.

Status: This is the original version (as it was originally enacted).

- (3) If ISA is satisfied that this paragraph applies to the person, it must include the person in the adults' barred list.”
- (5) In paragraph 8 (inclusion in adults' barred list subject to consideration of representations) for sub-paragraphs (2) and (3) substitute—
- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
- (3) If ISA is satisfied that this paragraph applies to the person, it must—
- (a) include the person in the adults' barred list, and
- (b) give the person an opportunity to make representations as to why the person should be removed from the adults' barred list.”
- (6) In paragraph 24(8) (Secretary of State to examine records of convictions or cautions from time to time) for “whether the criteria apply to an individual” substitute “whether there is reason to believe that the criteria might apply to an individual”.

Criminal records etc

93 Criminal conviction certificates to be given to employers

In section 112 of the [Police Act 1997 \(c. 50\)](#) (criminal conviction certificates) after subsection (2) insert—

“(2A) If an application for a criminal conviction certificate states that the certificate is required in connection with employment by, or voluntary work for, a person specified in the application, the Secretary of State must send a copy of the certificate to that person.”

94 Certificates of criminal records etc: right to work information

In the [Police Act 1997](#) after section 113CC insert—

“113CD Immigration information relevant to employment

- (1) This section applies where—
- (a) an application for a certificate under section 112, 113A or 113B contains a request for information under this section,
- (b) in the case of an application for a certificate under section 112, the application contains a statement that the information is sought for the purposes of employment with a person specified in the application, and
- (c) the applicant pays in the prescribed manner any additional fee prescribed in respect of the application.
- (2) The certificate must state—
- (a) whether according to records held by the Secretary of State the applicant is subject to immigration control, or
- (b) that records held by the Secretary of State do not show whether the applicant is subject to immigration control.

Status: This is the original version (as it was originally enacted).

- (3) If the records show that the applicant is subject to immigration control, the certificate must state—
 - (a) whether according to the records the applicant has been granted leave to enter or remain in the United Kingdom, or
 - (b) that the records do not show whether the applicant has been granted leave to enter or remain in the United Kingdom.
- (4) If the records show that the applicant has been granted leave to enter or remain in the United Kingdom, the certificate must state—
 - (a) whether according to the records the applicant’s leave to enter or remain in the United Kingdom is current, or
 - (b) that the records do not show whether the applicant’s leave to enter or remain in the United Kingdom is current.
- (5) If the records show that the applicant has been granted leave to enter or remain in the United Kingdom and that it is current, the certificate must also state any conditions to which the leave to enter or remain is subject and which relate to the applicant’s employment.
- (6) A certificate under this section must contain such advice as the Secretary of State thinks appropriate about where to obtain further information about the matters mentioned in subsections (2) to (5).
- (7) For the purposes of this section a person’s leave to enter or remain in the United Kingdom is current unless—
 - (a) it is invalid, or
 - (b) it has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise).
- (8) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.”

95 Criminal conviction certificates: verification of identity

In section 118 of the [Police Act 1997 \(c. 50\)](#) (evidence of identity) after subsection (2) insert—

“(2ZA) By virtue of subsection (1) the Secretary of State may, in particular, refuse to issue a certificate to a person unless the application is supported by prescribed evidence that the person’s identity has been verified by a third person determined by the Secretary of State (whether or not the third person charges a fee for such verification).”

96 Registered persons

- (1) Section 120A of the [Police Act 1997](#) (refusal and cancellation of registration), as inserted by section 134 of the [Criminal Justice and Police Act 2001 \(c. 16\)](#), is amended as follows.
- (2) In subsection (3) (matters to which Secretary of State may have regard in considering suitability of persons likely to have access to information) for paragraph (b) substitute—

Status: This is the original version (as it was originally enacted).

“(b) any information relating to the person of a kind specified in subsection (3A);”.

(3) After subsection (3) insert—

“(3A) The information is—

- (a) whether the person is barred from regulated activity;
- (b) if the person is barred from such activity, such details as are prescribed of the circumstances in which the person became barred;
- (c) whether the Independent Safeguarding Authority is considering whether to include the person in a barred list in pursuance of paragraph 3, 5, 9 or 11 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006;
- (d) whether the person is subject to a direction under section 167A of the Education Act 2002 (prohibition on participation in management of independent school).

(3B) Subsection (3C) applies if—

- (a) the Secretary of State receives an application for registration, and
- (b) it appears to the Secretary of State that the registration is likely to make it possible for information to become available to an individual who the Independent Safeguarding Authority is considering whether to include in a barred list as mentioned in subsection (3A)(c).

(3C) The Secretary of State may postpone consideration of the application until the Authority has decided whether to include the individual in the barred list.

(3D) Expressions used in subsections (3A) to (3C) and in the Safeguarding Vulnerable Groups Act 2006 have the same meaning in those subsections as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.”

(4) After subsection (6) insert—

“(7) The Secretary of State may by order made by statutory instrument amend subsection (3A) for the purpose of altering the information specified in that subsection.

(8) Such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”

97 Criminal records: applications

(1) Before section 126 of the [Police Act 1997 \(c. 50\)](#) insert—

“125B Form of applications

(1) The Secretary of State may determine the form, manner and contents of an application for the purposes of any provision of this Part.

(2) A determination may, in particular, impose requirements about the form or manner in which an electronic application is to be signed or countersigned.”

(2) In the following provisions of that Act omit “in the prescribed manner and form”—

Status: This is the original version (as it was originally enacted).

section 112(1)(a) (criminal conviction certificates),
section 113A(1)(a) (criminal record certificates),
section 113B(1)(a) (enhanced criminal record certificates).

- (3) In the following provisions of that Act omit “in the prescribed form”—
- section 114(1)(a) (criminal record certificates: Crown employment),
 - section 116(1)(a) (enhanced criminal record certificates: judicial appointments and Crown employment).