Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

An Act to make provision in connection with the protection of children and vulnerable adults. [8th November 2006]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act modified by 1997 c. 50, s. 126(3) (as added) () (12.10.2009) by The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351), art. 1(3), **Sch. 7 para. 3** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/304, art. 3(a)

Barring

1 [F1Independent Safeguarding Authority]

[F2(1) There shall be a body corporate to be known as the [F1Independent Safeguarding Authority] ("[F1ISA]").

(2) Schedule 1 makes provision relating to [F1ISA].

(3) Schedule 2 (transfers to [F1ISA]) has effect.]

Textual Amendments

F1 Words in s. 1 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(i), 116(5)(a)

F2 S. 1 ceases to have effect (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **112** (with Pt. 4)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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

I1 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) **[**F3DBS**]** must F4... 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, **[**F3DBS**]** must keep other information of such description as is prescribed.

Textual Amendments

F3 Word in s. 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(a)** (with Pt. 4)

F4 Words in s. 2 omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **4** (with Pt. 4)

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;

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(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 **[**F5Upper**]** Tribunal against—

F6(a) . . . . . .

(b) a decision under paragraph **[**F7**]**2,**]** 3, 5, **[**F8**]**8,**]** 9 or 11 of **[**F9Schedule 3**]** to include him in the list;

(c) a decision under paragraph 17 **[**F10, 18 or 18A**]** of that Schedule not to remove him from the list.

(2) An appeal under subsection (1) may be made only on the grounds that **[**F11DBS**]** 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 **[**F5Upper**]** Tribunal.

(5) Unless the **[**F5Upper**]** Tribunal finds that **[**F11DBS**]** has made a mistake of law or fact, it must confirm the decision of **[**F11DBS**]** .

(6) If the **[**F5Upper**]** Tribunal finds that **[**F11DBS**]** has made such a mistake it must—

(a) direct **[**F11DBS**]** to remove the person from the list, or

(b) remit the matter to **[**F11DBS**]** for a new decision.

(7) If the **[**F5Upper**]** Tribunal remits a matter to **[**F11DBS**]** under subsection (6)(b)—

(a) the **[**F5Upper**]** Tribunal may set out any findings of fact which it has made (on which **[**F11DBS**]** must base its new decision); and

(b) the person must be removed from the list until **[**F11DBS**]** makes its new decision, unless the **[**F5Upper**]** Tribunal directs otherwise.

F12(8) . . . . . .

F12(9) . . . . . .

F12(10) . . . . . .

F12(11) . . . . . .

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Textual Amendments

F5 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)**

F6 S. 4(1)(a) 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. 9 para. 44(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F7 Word in s. 4(1)(b) inserted (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. 9 para. 44(b)(i)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F8 Word in s. 4(1)(b) inserted (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. 9 para. 44(b)(ii)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F9 Words in s. 4(1)(b) substituted (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. 9 para. 44(b)(iii)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F10 Words in s. 4(1)(c) substituted (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. 9 para. 44(c)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F11 Word in s. 4 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(a)** (with Pt. 4)

F12 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)

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), **4(6)**

C3 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)**

C4 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)**

Regulated activity

5 Regulated activity

(1) A reference to regulated activity relating to children must be construed in accordance with Part 1 of Schedule 4.

(2) A reference to regulated activity relating to vulnerable adults must be construed in accordance with Part 2 of that Schedule.

(3) The Secretary of State may by order amend that Schedule, or any of the modifications of that Schedule in the provisions mentioned in subsection (4), so as to vary the meaning of—

(a) regulated activity relating to children;

(b) regulated activity relating to vulnerable adults.

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(4) The provisions are—

section 7(5);

section 9(5);

F13 ...

section 19(8);

F14 ....

Textual Amendments

F13 Words in s. 5(4) 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. 9 para. 45(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F14 Words in s. 5(4) 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. 9 para. 45(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I16 S. 5 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

I17 S. 5(1)(2) in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I18 S. 5(1)(2) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(w)**

I19 S. 5(3)(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(b)**

Regulated activity providers

6 Regulated activity providers

(1) A reference to a regulated activity provider must be construed in accordance with this section.

(2) A person (P) is a regulated activity provider if—

(a) he is responsible for the management or control of regulated activity,

(b) if the regulated activity is carried out for the purposes of an organisation, his exercise of that responsibility is not subject to supervision or direction by any other person for those purposes, and

(c) he makes, or authorises the making of, arrangements (whether in connection with a contract of service or for services or otherwise) for another person to engage in that activity.

(3) A person (P) is also a regulated activity provider if section 53(4) (fostering) so provides.

(4) A person (P) is also a regulated activity provider if he carries on a scheme—

(a) under which an individual agrees with P to provide care or support (which may include accommodation) to an adult who is in need of it, and

(b) in respect of which a requirement to register **[**F15arises—

(i) in relation to England, under section 10 of the Health and Social Care Act 2008, or

(ii) in relation to Wales, under section 11 of the Care Standards Act 2000.**]**

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(5) P is not a regulated activity provider if he is an individual and the arrangements he makes are private arrangements.

(6) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, P himself.

(7) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, a child or vulnerable adult who is—

(a) a member of P's family;

(b) a friend of P.

(8) A person does not make arrangements for another to engage in a regulated activity merely because he (alone or together with others) appoints that person—

(a) to a position mentioned in **[**F16paragraph 1(9) or 7(9)**]** of Schedule 4,

(b) as a deputy under section 16(2)(b) of the Mental Capacity Act 2005 (c. 9);

F17(c) . . . . . .

(d) to any position mentioned in **[**F18paragraph 7(3E)(a) or (b) of Schedule 4**]** or to exercise any function **[**F19exercisable by virtue of that position**]**.

[F20(8CA) A person (S) who is authorised as mentioned in subsection (5)(a) of section 50 of the Social Services and Well-being (Wales) Act 2014 does not make arrangements for another to engage in a regulated activity by virtue of anything that S does under subsection (5)(b) or (6)(b) of that section.**]**

[F21(8C) The Secretary of State does not make arrangements for another to engage in a regulated activity by virtue of anything the Secretary of State does under section 12A or 12D, or regulations under section 12B, of the National Health Service Act 2006 (direct payments for health services).

F22(8D) . . . . . .**]**

[F23(8E) The National Health Service Commissioning Board or a clinical commissioning group does not make arrangements for another to engage in a regulated activity by virtue of anything the Board or the clinical commissioning group does under section 12A or 12D, or regulations under section 12A or 12B, of the National Health Service Act 2006 (direct payments for health services).**]**

(9) For the purposes of subsection (7) it is immaterial whether P is also acting in any capacity other than as a family member or friend.

(10) If a regulated activity provider is an unincorporated association any requirement of or liability (including criminal liability) under this Act must be taken to be a requirement on or liability of—

(a) the person responsible for the management and control of the association, or

(b) if there is more than one such person, all of them jointly and severally.

(11) "Family" and "friend" must be construed in accordance with section 58.

(12) The Secretary of State may by order provide that in specified circumstances a person who makes, or authorises the making of, arrangements (of any description) for another to engage in regulated activity either is or is not a regulated activity provider.

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Textual Amendments

F15 Words in s. 6(4)(b) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 19(2)**

F16 Words in s. 6(8)(a) substituted (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. 9 para. 46(a)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F17 S. 6(8)(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. 9 para. 46(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F18 Words in s. 6(8)(d) substituted (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. 9 para. 46(c)(i)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F19 Words in s. 6(8)(d) substituted (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. 9 para. 46(c)(ii)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F20 S. 6(8CA) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **253(b)**

F21 S. 6(8C)(8D) inserted (19.1.2010) by Health Act 2009 (c. 21), s. 40(1), **Sch. 1 para. 13**; S.I. 2010/30, art. 2(b)

F22 S. 6(8D) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 144(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F23 S. 6(8E) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 144(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Commencement Information

I20 S. 6 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(c)**

I21 S. 6 in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(e)**(2)

I22 S. 6 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I23 S. 6(12) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(c)**

Restrictions on participating in regulated activity

7 Barred person not to engage in regulated activity

(1) An individual commits an offence if he—

(a) seeks to engage in regulated activity from which he is barred;

(b) offers to engage in regulated activity from which he is barred;

(c) engages in regulated activity from which he is barred.

(2) A person guilty of an offence under subsection (1) is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

(3) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know, and could not reasonably be expected to know, that he was barred from that activity.

(4) It is a defence for a person charged with an offence under subsection (1) to prove—

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(a) that he reasonably thought that it was necessary for him to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),

(b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and

(c) that he engaged in the activity for no longer than was necessary for that purpose.

(5) For the purposes of this section, Schedule 4 is modified as follows—

(a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;

F24(b) . . . . . .

F24(c) . . . . . .

(6) In relation to an offence committed before the commencement of section 282(3) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (2)(b) to 12 months must be taken to be a reference to six months.

Textual Amendments

F24 S. 7(5)(b)(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. 9 para. 47, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I24 S. 7 in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

PROSPECTIVE

F25 8 Person not to engage in regulated activity unless subject to monitoring

. . . . . .

Textual Amendments

F25 S. 8 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. 9 para. 48, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

9 Use of barred person for regulated activity

(1) A person commits an offence if—

(a) he permits an individual (B) to engage in regulated activity from which B is barred,

(b) he knows or has reason to believe that B is barred from that activity, and

(c) B engages in the activity.

(2) A personnel supplier commits an offence if—

(a) he supplies an individual (B) to another (P),

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(b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and

(c) he knows or has reason to believe that B is barred from that activity.

(3) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

(4) It is a defence for a person charged with an offence under this section to prove—

(a) that he reasonably thought that it was necessary for the barred person to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),

(b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and

(c) that the barred person engaged in the activity for no longer than was necessary for that purpose.

(5) For the purposes of this section, Schedule 4 is modified as follows—

(a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;

F26(b) . . . . . .

F26(c) . . . . . .

(6) In relation to an offence committed before the commencement of section 282(3) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (3)(b) to 12 months must be taken to be a reference to six months.

Textual Amendments

F26 S. 9(5)(b)(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. 9 para. 49, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I25 S. 9 in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

PROSPECTIVE

F27 10 Use of person not subject to monitoring for regulated activity

. . . . . .

Textual Amendments

F27 S. 10 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. 9 para. 50, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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F28 11 Regulated activity provider: failure to check

. . . . . .

Textual Amendments

F28 S. 11 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. 9 para. 51, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F29 12 Personnel suppliers: failure to check

. . . . . .

Textual Amendments

F29 S. 12 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. 9 para. 52, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F30 13 Educational establishments: check on members of governing body

. . . . . .

Textual Amendments

F30 S. 13 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. 9 para. 53, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F31 14 Office holders: offences

. . . . . .

Textual Amendments

F31 S. 14 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. 9 para. 54, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

PROSPECTIVE

F32 15 Sections 13 and 14: checks

. . . . . .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F32 S. 15 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. 9 para. 55, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

PROSPECTIVE

Exceptions

F33 16 Exception to requirement to make monitoring check

. . . . . .

Textual Amendments

F33 S. 16 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. 9 para. 56, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F34 17 NHS employment

. . . . . .

Textual Amendments

F34 S. 17 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. 9 para. 57, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Offences: supplementary

18 Offences: companies &c.

(1) If an offence under section 9 F35... or 38 F36... is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body, or

(b) a person purporting to act in such a capacity,

he (as well as the body) commits the offence.

(2) If an offence under section 9 F37... or 38 F38... is committed by a partnership (whether or not a limited partnership) and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—

(a) a partner, or

(b) a person purporting to act as a partner,

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he (as well as the partnership) commits the offence.

(3) In subsection (1), "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body.

Textual Amendments

F35 Words in s. 18(1) 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. 9 para. 58(2)(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F36 Words in s. 18(1) 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. 9 para. 58(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F37 Words in s. 18(2) 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. 9 para. 58(3)(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F38 Words in s. 18(2) 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. 9 para. 58(3)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I26 S. 18 in force at 12.10.2009 for specified purposes by S.I. 2009/2611, art. 2, **Sch.**

19 Offences: other persons

F39(1) . . . . . .

(2) A person commits an offence if, in the course of acting or appearing to act on behalf of a personnel supplier—

(a) he supplies an individual (B) to another (P),

(b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and

(c) he knows or has reason to believe that B is barred from the activity.

F40(3) . . . . . .

F40(4) . . . . . .

(5) A person guilty of an offence under subsection (2) is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

F41(6) . . . . . .

F41(7) . . . . . .

(8) For the purpose of **[**F42subsection (2)(b)**]**, Schedule 4 is modified as follows—

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;

F43(b) . . . . . .

F43(c) . . . . . .

F44(9) . . . . . .

(10) In relation to an offence committed before the commencement of section 282(3) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (5)(b) to 12 months must be taken to be a reference to six months.

Textual Amendments

F39 S. 19(1) 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. 9 para. 59(2), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F40 S. 19(3)(4) 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. 9 para. 59(3), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F41 S. 19(6)(7) 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. 9 para. 59(4), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F42 Words in s. 19(8) substituted (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. 9 para. 59(5)(a)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F43 S. 19(8)(b)(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. 9 para. 59(5)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F44 S. 19(9) 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. 9 para. 59(6), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I27 S. 19(2)(5)(10) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

I28 S. 19(8) in force at 12.10.2009 for specified purposes by S.I. 2009/2611, art. 2, **Sch.**

20 Section 19: exclusions and defences

(1) A person does not commit an offence under section 19 if B has not attained the age of 16.

F45(2) . . . . . .

F45(3) . . . . . .

F45(4) . . . . . .

F45(5) . . . . . .

F45(6) . . . . . .

F45(7) . . . . . .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F45 S. 20(2)-(7) 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. 9 para. 60, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I29 S. 20(1) in force at 12.10.2009 for specified purposes by S.I. 2009/2611, art. 2, **Sch.**

Controlled activity

F46 21 Controlled activity relating to children

. . . . . .

Textual Amendments

F46 Ss. 21-23 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), ss. 68, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(e)(bb)

F46 22 Controlled activity relating to vulnerable adults

. . . . . .

Textual Amendments

F46 Ss. 21-23 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), ss. 68, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(e)(bb)

F46 23 Controlled activity: regulations

. . . . . .

Textual Amendments

F46 Ss. 21-23 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), ss. 68, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(e)(bb)

Monitoring

F47 24 Monitoring

. . . . . .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F47 Ss. 24-27 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), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

[F47] 24A Monitoring: power to prescribe additional fees

. . . . . .

Textual Amendments

F47 Ss. 24-27 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), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

[F47]25 Monitoring: fees

. . . . . .

Textual Amendments

F47 Ss. 24-27 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), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

[F47]26 Ceasing monitoring

. . . . . .

Textual Amendments

F47 Ss. 24-27 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), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

PROSPECTIVE

[F47] 27 Prohibition of requirement to produce certain records

. . . . . .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F47 Ss. 24-27 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), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

28 Independent monitor

After section 119A of the Police Act 1997 (c. 50) (further sources of information: Scotland) insert—

"**119B Independent monitor**

(1) There is to be an independent monitor for the purposes of this Part.

(2) The independent monitor is a person appointed by the Secretary of State—

(a) for such period, not exceeding three years, as the Secretary of State decides;

(b) on such terms as the Secretary of State decides.

(3) A person may be appointed for a further period or periods.

(4) The Secretary of State may terminate the appointment of the independent monitor before the end of the period mentioned in subsection (2)(a) by giving the monitor notice of the termination not less than three months before it is to take effect.

(5) The independent monitor must review—

(a) all cases in which information is disclosed to a registered person in pursuance of section 113B(6)(b);

(b) a sample of cases in which a certificate issued under section 113B has included information in pursuance of subsection (4)(b) of that section;

(c) a sample of cases in which the chief officer of a police force has decided that information must not be included in a certificate or report in pursuance of section 113B(4)(b) or disclosed in pursuance of section 113B(5)(c) and (6)(b);

(d) all cases in which information is withheld from an individual because it is information to which section 24(9) of the Safeguarding Vulnerable Groups Act 2006 applies;

(e) a sample of cases in which relevant information (within the meaning of section 24(8)(b) of that Act) is provided to an individual in pursuance of section 24(4)(a) of that Act.

(6) The purpose of a review under subsection (5) is to ensure compliance with Article 8 of the European Convention of Human Rights.

(7) The independent monitor must in relation to each year make a report to the Secretary of State about the performance of police forces in exercising their functions under this Part.

(8) The independent monitor may make recommendations to the Secretary of State as to—

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(a) any guidance issued by the Secretary of State or which the monitor thinks it would be appropriate for the Secretary of State to issue;

(b) any changes to any enactment which the monitor thinks may be appropriate.

(9) The chief officer of a police force must provide to the independent monitor such information as the monitor reasonably requires in connection with the exercise of his functions under this section."

Modifications etc. (not altering text)

C5 S. 28 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. 6-8)

C6 S. 28 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. 6-8)

C7 S. 28 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. 6-8)

Commencement Information

I30 S. 28 in force at 20.1.2009 by S.I. 2009/39, **art. 2(1)(c)**

29 Part 5 of the Police Act 1997: code of practice

(1) Section 122 of the Police Act 1997 (c. 50) (code of practice) is amended as follows.

(2) In subsection (1) after "information provided to" insert " , or the discharge of any function by, ".

(3) In subsection (3) for the words from "The Secretary of State" to "application" substitute " Subsection (3A) applies if the Secretary of State thinks that the registered person who countersigned an application for a certificate under section 113A or 113B ".

(4) After subsection (3) insert—

"(3A) The Secretary of State may—

(a) refuse to issue the certificate;

(b) suspend the registration of the person;

(c) cancel the registration of the person.

(3B) Section 120AB applies if the Secretary of State proposes to suspend or cancel a person's registration under subsection (3A) above as it applies if he proposes to suspend or cancel a person's registration by virtue of section 120AA."

Commencement Information

I31 S. 29 in force at 20.1.2009 by S.I. 2009/39, **art. 2(1)(d)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Notices and information

30 Provision of vetting information

(1) The Secretary of State must provide a person (A) with the information mentioned in subsection (4) in relation to another (B) if—

(a) A makes an application for the information,

(b) the application contains the appropriate declaration, and

(c) the Secretary of State has no reason to believe that the declaration is false.

(2) The appropriate declaration is a declaration by A—

(a) that he falls within column 1 of a specified entry, and

(b) that B has consented to the provision of the information to A.

[F48(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.**]**

(3) In this section references to a specified entry are to an entry in the table in Schedule 7 specified by A in his declaration.

(4) The information is—

(a) if column 2 of the specified entry refers to children, relevant information relating to children, and

(b) if column 2 of the specified entry refers to vulnerable adults, relevant information relating to vulnerable adults.

(5) Paragraph (b) of subsection (2) does not apply if the specified entry is 17.

(6) If B consents to the provision of information to A in relation to an application under this section, the consent also has effect in relation to any subsequent such application by A.

(7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section (including the form and manner of a declaration contained in such an application).

(8) The Secretary of State may by regulations make provision requiring a local authority which makes or proposes to make payments to or on behalf of a person in accordance with regulations under section 17A of the Children Act 1989 (c. 41) or section 57 of the Health and Social Care Act 2001 (c. 15) **[**F49, F50... in accordance with section 31 or 32 of the Care Act 2014,**][**F51or in accordance with regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014**]** to inform the person of his right to obtain relevant information under this section.

Textual Amendments

F48 S. 30(2A) inserted (29.1.2010 for specified purposes) by Policing and Crime Act 2009 (c. 26), **ss. 84(3)**, 116(1); S.I. 2010/125, art. 3

F49 Words in s. 30(8) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 86** (with arts. 1(3), 3)

F50 Word in s. 30(8) omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **254(i)**

F51 Words in s. 30(8) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **254(ii)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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Commencement Information

I32 S. 30(7)(8) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(f)**

31 Meaning of relevant information in section 30

(1) This section has effect for the purposes of section 30.

(2) Relevant information relating to children is—

(a) whether B is subject to monitoring in relation to regulated activity relating to children, and

(b) if so, whether he is undergoing assessment.

(3) Relevant information relating to vulnerable adults is—

(a) whether B is subject to monitoring in relation to regulated activity relating to vulnerable adults, and

(b) if so, whether he is undergoing assessment.

(4) B is undergoing assessment if—

(a) the Secretary of State is required to notify B as mentioned in section 24(4) in connection with B's monitoring application but has not yet done so;

(b) B has made a simultaneous application under section 113B of the Police Act 1997 but the Secretary of State has not yet issued an enhanced criminal record certificate under that section;

(c) in relation to subsection (2)(b), IBB is considering whether to include B in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 3;

(d) in relation to subsection (3)(b), IBB is considering whether to include B in the adults' barred list in pursuance of paragraph 9 or 11 of that Schedule.

(5) In subsection (4)(b) "simultaneous application" means an application made simultaneously with B's monitoring application under section 24.

(6) The Secretary of State may by order amend the preceding provisions of this section for the purpose of altering the meaning of relevant information relating to children or vulnerable adults (as the case may be).

Commencement Information

I33 S. 31(6) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(e)**

32 Notification of cessation of monitoring

(1) The Secretary of State must establish and maintain a register for the purposes of this section.

(2) The Secretary of State must register a person (A) in relation to another (B) if—

(a) A makes an application to be registered in relation to B,

(b) the application contains the appropriate declaration,

(c) the Secretary of State has no reason to believe that the declaration is false, and

(d) B is subject to monitoring in relation to the regulated activity to which the application relates.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(3) The appropriate declaration is a declaration by A—

(a) that he falls within column 1 of a specified entry, and

(b) that B has consented to the application.

(4) In this section references to a specified entry are to an entry in the table in Schedule 7 specified by A in his declaration.

(5) A's application and registration relate—

(a) if column 2 of the specified entry refers to children, to regulated activity relating to children;

(b) if column 2 of the specified entry refers to vulnerable adults, to regulated activity relating to vulnerable adults.

(6) The Secretary of State must notify A if B ceases to be subject to monitoring in relation to the regulated activity to which A's registration relates.

(7) The requirement under subsection (6) is satisfied if notification is sent to any address recorded against A's name in the register.

(8) Paragraph (b) of subsection (3) does not apply if the specified entry is 17.

(9) If B consents to the provision of information to A under section 30 the consent also has effect as consent to any application by A to be registered in relation to B under this section.

(10) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section (including the form and manner of a declaration contained in such an application).

Commencement Information

I34 S. 32(10) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(g)**

33 Cessation of registration

(1) In this section references to registration are to registration in the register maintained for the purposes of section 32.

(2) Once a person is notified as mentioned in subsection (6) of that section, his registration ceases.

(3) **[**[F52]DBS**]** may cancel a person's registration in such circumstances as are prescribed.

(4) **[**[F53]DBS**]** must cancel a person's registration—

(a) if the person applies for it to be cancelled;

(b) in prescribed circumstances, if the person in relation to whom he is registered applies for it to be cancelled.

(5) When a person's registration is cancelled under subsection (3) or (4)(b), **[**[F54]DBS**]** must notify him of that fact.

(6) The requirement under subsection (5) is satisfied if notification is sent to any address recorded against A's name in the register.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F52 Word in s. 33(3) 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), **48(c)** (with Pt. 4)

F53 Word in s. 33(4) 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), **48(c)** (with Pt. 4)

F54 Word in s. 33(5) 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), **48(c)** (with Pt. 4)

Commencement Information

I35 S. 33(3)(4)(b) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(h)**

PROSPECTIVE

34 Declarations under sections 30 and 32

(1) An individual commits an offence if, in an application made for the purposes of section 30 or 32—

(a) he makes a false declaration, and

(b) he either knows that it is false or is reckless as to whether it is false.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

35 Regulated activity providers: duty to refer

(1) Subsection (2) applies to—

(a) a regulated activity provider who holds any prescribed information in relation to a person (P) engaged in regulated activity provided by him;

F55(b) . . . . . .

(2) A person to whom this subsection applies must provide **[**F56DBS**]** with the information if—

(a) he withdraws permission for P to engage in the activity for a reason mentioned in subsection (3), or

(b) he does not withdraw permission for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity.

(3) The reasons are that the person to whom subsection (2) applies thinks—

(a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to P,

(b) that P has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3), or

(c) that the harm test is satisfied.

(4) The harm test is that P may—

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

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(e) incite another to harm a child or vulnerable adult.

(5) For the purposes of subsection (3)(b), conduct is inappropriate if it appears to the person to whom subsection (2) applies to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.

F57(6) . . . . . .

(7) This section does not apply if the conditions specified in subsection (2) are fulfilled before the section is commenced.

Textual Amendments

F55 S. 35(1)(b) 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. 9 para. 61(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

F57 S. 35(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. 9 para. 61(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I36 S. 35(1) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(i)**

I37 S. 35(1) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I38 S. 35(2)-(7) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

36 Personnel suppliers: duty to refer

(1) A personnel supplier must provide **[**F56DBS**]** with any prescribed information it holds in relation to a person (P) who has been supplied by it to another person if the supplier knows that P has ceased to be engaged in regulated activity F58... in the circumstances mentioned in subsection (2)(a) or (b) of section 35.

(2) A personnel supplier which is an employment agency or employment business must provide **[**F56DBS**]** with any prescribed information it holds in relation to a person (P) for whom it acts if—

(a) the agency or business determines to cease to act for P for a reason mentioned in subsection (4), or

(b) it does not determine to cease to act for P for such a reason but would or might have done so if its arrangement with, or employment of, him had not otherwise come to an end.

(3) A personnel supplier which is an educational institution must provide **[**F56DBS**]** with any prescribed information it holds in relation to a student (P) following a course at the institution if—

(a) the institution determines to cease to supply P to another person for him to engage in regulated F59... activity for a reason mentioned in subsection (4),

(b) the institution determines that P should cease to follow a course at the institution for a reason mentioned in subsection (4), or

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(c) it does not determine as mentioned in paragraph (a) or (b) for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity or ceased to follow the course.

(4) The reasons are that the personnel supplier thinks—

(a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to P,

(b) that P has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3), or

(c) that the harm test is satisfied.

(5) The harm test is that P may—

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

(e) incite another to harm a child or vulnerable adult.

(6) For the purposes of subsection (4)(b), conduct is inappropriate if it appears to the personnel supplier to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.

(7) An employment agency acts for a person if it makes arrangements with him with a view to—

(a) finding him employment with an employer, or

(b) supplying him to employers for employment by them.

(8) An employment business acts for a person if it employs him to act for and under the control of other persons in any capacity.

(9) In this section "employment" has the same meaning as in the Employment Agencies Act 1973 (c. 35).

(10) This section does not apply if the conditions specified in subsection (1), (2) or (3) are fulfilled before the section is commenced.

Textual Amendments

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

F58 Words in s. 36(1) 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. 9 para. 62(2), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F59 Words in s. 36(3)(a) 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. 9 para. 62(3), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I39 S. 36(1)(2)(3) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(j)**

I40 S. 36(1)-(3) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I41 S. 36(4)-(10) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

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37 Regulated activity providers: duty to provide information on request &c.

(1) This section applies if **[**F56DBS**]** is considering—

(a) whether to include any person in a barred list;

(b) whether to remove any person from a barred list.

(2) **[**F56DBS**]** may require—

(a) any regulated activity provider who has made arrangements for that person to engage in regulated activity (whether or not the arrangements are still in place),

F60(b) . . . . . .

(c) any personnel supplier which is an employment agency or employment business and which acts for or has acted for that person, or

(d) any personnel supplier which is an educational institution and which has supplied that person to another person for him to engage in regulated F61... activity,

to provide **[**F56DBS**]** with any prescribed information he or it holds relating to the person.

(3) An employment agency acts for a person if it makes arrangements with him with a view to—

(a) finding him relevant employment with an employer, or

(b) supplying him to employers for relevant employment by them.

(4) Relevant employment is employment which consists in or involves engaging in regulated F62... activity.

(5) An employment business acts for a person if it employs him to engage in regulated F63... activity for and under the control of other persons.

(6) In this section "employment" has the same meaning as in the Employment Agencies Act 1973 (c. 35).

Textual Amendments

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

F60 S. 37(2)(b) 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. 9 para. 63(2)(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F61 Words in s. 37(2)(d) 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. 9 para. 63(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F62 Words in s. 37(4) 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. 9 para. 63(3), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F63 Words in s. 37(5) 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. 9 para. 63(4), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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Commencement Information

I42 S. 37 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(d)**

I43 S. 37 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(e)**

I44 S. 37(2) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(k)**

38 Duty to provide information: offences

(1) A person commits an offence if—

(a) he is required under section 35 or 36 or in pursuance of section 37 to provide information to **[**F56DBS**]** , and

(b) he fails, without reasonable excuse, to provide the information.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

Commencement Information

I45 S. 38 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(e)**

I46 S. 38 in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(e)**(2)

I47 S. 38 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

Local authority information and referrals

39 Local authorities: **[**F64power**]** to refer

(1) A local authority **[**F65may**]** provide **[**F56DBS**]** with any F66... information they hold relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the local authority thinks—

(a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,

(b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or

(c) that the harm test is satisfied.

(3) The harm test is that the person may—

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

(e) incite another to harm a child or vulnerable adult.

(4) The second condition is that the local authority thinks—

(a) that the person is **[**F67or has been, or might in future be, engaged**]** in regulated activity F68..., and

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(b) (except in a case where paragraph 1 **[**F69or 7**]** of Schedule 3 applies) that **[**F56DBS**]** may consider it appropriate for the person to be included in a barred list.

(5) A local authority may provide **[**F56DBS**]** with any F70... information it holds relating to a person if—

(a) the local authority think that a person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and

(b) the condition in subsection (4) is satisfied.

(6) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the local authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.

(7) "Local authority" has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39).

Textual Amendments

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

F64 Word in s. 39 heading substituted (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), **ss. 77(2)(d)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

F65 Word in s. 39(1) substituted (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), **ss. 77(2)(a)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

F66 Word in s. 39(1) 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), ss. 77(2)(a)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(n)(bb)

F67 Words in s. 39(4)(a) substituted (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), **ss. 77(2)(b)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

F68 Words in s. 39(4)(a) 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), ss. 77(2)(b)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(n)(bb)

F69 Words in s. 39(4)(b) substituted (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), **ss. 77(2)(b)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

F70 Word in s. 39(5) 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), ss. 77(2)(c), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(n)(bb)

Commencement Information

I48 S. 39(1)(5) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(l)**

I49 S. 39(1)(5) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I50 S. 39(2)-(4)(6)(7) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

40 Local authorities: duty to provide information on request

(1) This section applies if **[**F56DBS**]** is considering—

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(a) whether to include any person in a barred list;
(b) whether to remove any person from a barred list.

(2) If **[**F56DBS**]** thinks that a local authority hold any prescribed information relating to the person, it may require the authority to provide it with the information.

(3) The local authority must comply with a requirement under subsection (2).

(4) "Local authority" has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970.

Textual Amendments

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

Commencement Information

I51 S. 40 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(f)**
I52 S. 40 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(f)**
I53 S. 40(2) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(m)**

Professional bodies and supervisory authorities

41 Registers: **[**F71**power]** to refer

(1) A keeper of a relevant register **[**F72**may]** provide **[**F56**DBS]** with any F73... information he holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the keeper thinks—
(a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
(b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
(c) that the harm test is satisfied.

(3) The harm test is that the person may—
(a) harm a child or vulnerable adult,
(b) cause a child or vulnerable adult to be harmed,
(c) put a child or vulnerable adult at risk of harm,
(d) attempt to harm a child or vulnerable adult, or
(e) incite another to harm a child or vulnerable adult.

(4) The second condition is that the keeper thinks—
(a) that the person is **[**F74**or has been, or might in future be, engaged]** in regulated activity F75..., and
(b) (except in a case where paragraph 1 **[**F76**or 7]** of Schedule 3 applies) that **[**F56**DBS]** may consider it appropriate for the person to be included in a barred list.

(5) A keeper of a relevant register may provide **[**F56**DBS]** with any F77... information he holds relating to a person if—

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(a) he thinks that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and

(b) the condition in subsection (4) is satisfied.

(6) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the keeper to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.

(7) In this section—

(a) a relevant register is a register appearing in column 1 of the following table, and

(b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

Relevant register	***Keeper of the register***
1. The register of teachers maintained under section 3 of the Teaching and Higher Education Act 1998 (c. 30)	**[**F78The General Teaching Council for Wales**]**
2.**[**F79The register maintained under article 19 of the Pharmacy Order 2010**]**	**[**F80The registrar appointed under article 18 of that Order.**]**
3.**[**F81Any of**]** the lists of medical practitioners kept under section 2 of the Medical Act 1983 (c. 54)	The registrar of the General Medical Council
4. The dentists register kept under section 14 of the Dentists Act 1984 (c. 24) or the dental care professionals register kept under section 36B of that Act	The registrar appointed under section 14 of that Act
5. The register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989 (c. 44), or the register of persons undertaking training as optometrists or the register of persons undertaking training as dispensing opticians maintained under section 8A of that Act	The registrar of the General Optical Council
6. The register of osteopaths maintained under section 2 of the Osteopaths Act 1993 (c. 21)	The Registrar of Osteopaths
7. The register of chiropractors maintained under section 2 of the Chiropractors Act 1994 (c. 17)	The Registrar of Chiropractors
8. The register of social workers and social care workers **[**F82 in	**[**F84the registrar appointed under section 81 of that Act**]**

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Wales**]** maintained **[**F83under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)**]**	
9. The register of qualified nurses and midwives maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253)	The registrar appointed under Article 4 of that Order
10. The register of members of relevant professions maintained under Article 5 of the **[**F85the Health and Social Work Professions Order 2001**]**	The registrar appointed under Article 4 of that Order

(8) The Secretary of State may by order amend the table in subsection (7) by inserting an entry or amending or omitting an entry for the time being contained in the table.

Textual Amendments

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

F71 Word in s. 41 heading substituted (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), **ss. 75(1)(d)**, 120 (with s. 97); S.I. 2012/2234, art. 2(j)

F72 Word in s. 41(1) substituted (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), **ss. 75(1)(a)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(j)

F73 Word in s. 41(1) 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), ss. 75(1)(a)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(j)(bb)

F74 Words in s. 41(4)(a) substituted (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), **ss. 75(1)(b)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(j)

F75 Words in s. 41(4)(a) 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), ss. 75(1)(b)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(j)(bb)

F76 Words in s. 41(4)(b) substituted (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), **ss. 75(1)(b)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(j)

F77 Word in s. 41(5) 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), ss. 75(1)(c), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(j)(bb)

F78 Words in s. 41(7) Table substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 27(2)**; S.I. 2012/924, art. 2

F79 Words in s. 41(7) Table substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 15(a)**; S.I. 2010/1621, art. 2(1), Sch.

F80 Words in s. 41(7) Table substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 15(b)**; S.I. 2010/1621, art. 2(1), **Sch.**

F81 Words in s. 41(7) Table substituted (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. 64** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F82 Words in s. 41(7) Table inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 52(a)**; S.I. 2012/1319, art. 2(4)

F83 Words in s. 41(7) Table substituted (3.4.2017) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 54(a)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

F84 Words in s. 41(7) Table substituted (3.4.2017) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 54(b)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

F85 Words in s. 41(7) Table substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 213(7)(m)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)

Commencement Information

I54 S. 41(1)(5) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(n)**

I55 S. 41(1)(5)(7)(8) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I56 S. 41(2)-(4)(6) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

I57 S. 41(7) in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(g)**

I58 S. 41(8) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(f)**

42 Registers: duty to provide information on request

(1) This section applies if **[**F56DBS**]** is considering—

(a) whether to include in a barred list a person who appears on a relevant register;

(b) whether to remove such a person from a barred list.

(2) **[**F56DBS**]** may require the keeper of the register to provide it with any prescribed information he holds relating to the person.

(3) The keeper of the register must comply with a requirement under subsection (2).

(4) References to a relevant register and the keeper of a relevant register must be construed in accordance with section 41(7).

Textual Amendments

F56 Word in ss. 35-42 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(b)** (with Pt. 4)

Commencement Information

I59 S. 42 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(g)**

I60 S. 42 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(g)**

I61 S. 42(2) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(o)**

43 Registers: **[**F86**provision of barring information to keepers of registers]**

[F87(1) Subsection (2) applies if—

(a) **[**F88DBS**]** knows or thinks that a person (A) appears on a relevant register, and

(b) either—

(i) A is included in a barred list, or

(ii) **[**F88DBS**]** is aware that A is subject to a relevant disqualification.

(2) **[**F88DBS**]** must—

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(a) notify the keeper of the register of the circumstances mentioned in subsection (1)(b)(i) or (as the case may be) (ii), and

(b) in the case where A is included in a barred list, provide the keeper of the register with such of the information on which **[**F88DBS**]** relied in including A in the list as **[**F88DBS**]** considers—

(i) to be relevant to the exercise of any function of the keeper, and

(ii) otherwise appropriate to provide.

(3) Subsection (4) applies if the keeper of a relevant register applies to **[**F88DBS**]** to ascertain in relation to a person (A) whether—

(a) A is included in a barred list, or

(b) **[**F88DBS**]** is aware that A is subject to a relevant disqualification.

(4) **[**F88DBS**]** must notify the keeper of the register as to whether the circumstances are as mentioned in subsection (3)(a) or (as the case may be) (b).

(5) **[**F88DBS**]** may (whether on an application by the keeper or otherwise) provide to the keeper of a relevant register such relevant information as **[**F88DBS**]** considers appropriate.

(5A) Subsection (5B) applies if—

(a) a keeper of a register has applied to **[**F89DBS**]** to be notified in relation to a person (A) if—

(i) A is included in a barred list, or

(ii) **[**F89DBS**]** is aware that A is subject to a relevant disqualification, and

(b) the application has not been withdrawn.

(5B) **[**F89DBS**]** must notify the keeper of the register if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii).

(5C) For the purposes of subsection (5A)(b) an application is withdrawn if—

(a) the keeper of the register notifies **[**F90DBS**]** that the keeper no longer wishes to be notified if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii) in relation to A, or

(b) **[**F90DBS**]** cancels the application on either of the following grounds—

(i) that the keeper has not answered, within such reasonable period as was required by **[**F90DBS**]** , a request from **[**F89DBS**]** as to whether the keeper still wishes to be notified if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii), or

(ii) that A neither appears in the register nor is being considered for inclusion in the register.

(5D) A keeper of a relevant register may apply for information under this section, or to be notified under this section, in relation to a person (A) only if—

(a) A appears in the register, or

(b) A is being considered for inclusion in the register.

(5E) The duties in subsections (2), (4) and (5B) do not apply if **[**F88DBS**]**F91... is satisfied that the keeper of the register already has the information concerned.

(5F) **[**F92DBS**]** may determine the form, manner and contents of an application for the purposes of this section.

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(5G) In this section relevant information is information—

(a) which—

(i) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and

(ii) is relevant to the exercise of any function of the keeper of the register, but

(b) which is not—

(i) information that the circumstances are as mentioned in subsection (1)(b)(i) or (ii) in relation to a person,

(ii) any information provided under subsection (2)(b), or

(iii) information falling within paragraph 19(5) of Schedule 3.

(5H) The Secretary of State may by order amend subsection (5G).**]**

(6) In this section—

(a) a relevant register is a register appearing in column 1 [F93] ... of the table in section 41(7), and

(b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

(7) A person is subject to a relevant disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to a barred list.

Textual Amendments

F86 Words in s. 43 heading substituted (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), **ss. 75(5)**, 120 (with s. 97); S.I. 2012/2234, art. 2(l)

F87 S. 43(1)-(5H) substituted for (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes) by Protection of Freedoms Act 2012 (c. 9), ss. 75(3), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(k)

F88 Word in s. 43 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(c)** (with Pt. 4)

F89 Word in s. 43(5A)(5B) 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), **48(d)** (with Pt. 4)

F90 Word in s. 43(5C) 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), **48(d)** (with Pt. 4)

F91 Words in s. 43(5E) omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **54** (with Pt. 4)

F92 Word in s. 43(5F) 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), **48(d)** (with Pt. 4)

F93 Words in s. 43(6)(a) 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), ss. 75(4), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(l)(bb)

Commencement Information

I62 S. 43(3)-(5) in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(h)**

I63 S. 43(6) in force at 10.9.2012 by S.I. 2012/2231, **art. 2(a)**

I64 S. 43(7) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(g)**

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I65 S. 43(7) in force at 10.9.2012 in so far as not already in force by S.I. 2012/2231, **art. 2(b)**

F94 44 Registers: power to apply for vetting information

. . . . . .

Textual Amendments

F94 S. 44 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), ss. 75(6), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(l)(bb)

45 Supervisory authorities: [F95power] to refer

(1) A supervisory authority **[**F96may**]** provide **[**F97DBS**]** with any F98... information it holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the supervisory authority thinks, on the basis of relevant evidence—

(a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,

(b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or

(c) that the harm test is satisfied.

(3) The harm test is that the person may—

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

(e) incite another to harm a child or vulnerable adult.

(4) The second condition is that the supervisory authority thinks—

(a) that the person is **[**F99or has been, or might in future be, engaged**]** in regulated activity F100... , and

(b) (except in a case where paragraph 1 **[**F101or 7**]** of Schedule 3 applies) that **[**F97DBS**]** may consider it appropriate for the person to be included in a barred list.

(5) The supervisory authority may provide **[**F97DBS**]** with any F102... information it holds relating to a person if—

(a) it thinks, on the basis of relevant evidence, that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and

(b) the condition in subsection (4) is satisfied.

F103(6) . . . . . .

(7) A supervisory authority is—

(a) a registration authority within the meaning of section 5 of the Care Standards Act 2000 (c. 14) in respect of its functions under Part 2 of that Act;

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[F104(aza) the Secretary of State in respect of the Secretary of State's functions under sections 141B to 141E of the Education Act 2002;

(azb) the Secretary of State in respect of the Secretary of State's functions under Chapter 1 of Part 4 of the Education and Skills Act 2008;**]**

[F105(aa) the Secretary of State in respect of his functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32) ; **]**

(b) the **[**F106Welsh Ministers**]** in respect of its functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32);

[F107(c) the Care Quality Commission in respect of its functions under Part 1 of the Health and Social Care Act 2008;**]**

[F108(ca) the Welsh Ministers in respect of their functions under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);**]**

F109(d) . . . . . .

[F110(e) the Welsh Ministers in respect of their functions under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4);**]**

[F111(ea) the Welsh Ministers in the exercise of their functions under Part 10A, Part 11 or Part 12 of the Children Act 1989;**]**

(f) the Public Guardian in the exercise of his functions;

(g) Her Majesty's Chief Inspector of Schools in England in the exercise of his functions;

(h) Her Majesty's Chief Inspector of Education and Training in Wales in the exercise of his functions;

(i) the Charity Commissioners for England and Wales in the exercise of their functions.

(8) Relevant evidence is evidence obtained by the supervisory authority in the exercise of the functions mentioned in subsection (7).

(9) The Secretary of State may by order amend subsection (7) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the subsection.

(10) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the supervisory authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.

Textual Amendments

F95 Word in s. 45 heading substituted (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), **ss. 76(1)(e)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F96 Word in s. 45(1) substituted (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), **ss. 76(1)(a)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F97 Word in ss. 45-47 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(d)** (with Pt. 4)

F98 Word in s. 45(1) 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), ss. 76(1)(a)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)

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F99 Words in s. 45(4)(a) substituted (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), **ss. 76(1)(b)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F100 Words in s. 45(4)(a) 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), ss. 76(1)(b)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)

F101 Words in s. 45(4)(b) substituted (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), **ss. 76(1)(b)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F102 Word in s. 45(5) 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), ss. 76(1)(c), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)

F103 S. 45(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), ss. 76(1)(d), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)

F104 S. 45(7)(aza)(azb) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 27(3)**; S.I. 2012/924, art. 2

F105 S. 45(7)(aa) inserted (23.4.2010) by The Safeguarding Vulnerable Groups Act 2006 (Supervisory Authorities and Devolution Alignment) Order 2010 (S.I. 2010/1073), arts. 1(2), **2**

F106 Words in s. 45(7)(b) substituted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **30(b)**

F107 S. 45(7)(c) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 5 para. 91(a)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

F108 S. 45(7)(ca) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 35(a)

F109 S. 45(7)(d) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 91(b), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(bb), 36

F110 S. 45(7)(e) substituted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 35(b)

F111 S. 45(7)(ea) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009 (S.I. 2009/1797), arts. 1(1), **6**

Commencement Information

I66 S. 45(1)(5) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(q)**

I67 S. 45(1)(5)(7)(9) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I68 S. 45(2)-(4)(6)(8)(10) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

I69 S. 45(7) in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(h)**

I70 S. 45(9) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(i)**

46 Supervisory authorities: duty to provide information on request

(1) This section applies if **[**F97DBS**]** is considering—

(a) whether to include in a barred list a person in relation to whom **[**F97DBS**]** thinks that a supervisory authority may have prescribed information;

(b) whether to remove such a person from a barred list.

(2) **[**F97DBS**]** may require the supervisory authority to provide it with any prescribed information it holds relating to the person.

(3) The supervisory authority must comply with a requirement under subsection (2).

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Textual Amendments

F97 Word in ss. 45-47 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(d)** (with Pt. 4)

Commencement Information

I71 S. 46 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(i)**

I72 S. 46 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(h)**

I73 S. 46(1)(a)(2) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(r)**

47 Supervisory authorities: power to apply for [F112certain barring] information

(1) If a supervisory authority applies to **[**F97DBS**]** for information within subsection (2) or (3) relating to a person (B), **[**F97DBS**]** must provide the supervisory authority with that information.

(2) The information within this subsection is—

(a) whether B is barred from regulated activity relating to children,

F113(b) . . . . . .

F113(c) . . . . . .

F113(d) . . . . . .

F113(e) . . . . . .

(3) The information within this subsection is—

(a) whether B is barred from regulated activity relating to vulnerable adults,

F114(b) . . . . . .

F114(c) . . . . . .

F114(d) . . . . . .

F114(e) . . . . . .

(4) A supervisory authority may apply for information under this section only if the information is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).

F115(5) . . . . . .

(6) The Secretary of State may by order amend this section for the purpose of altering the information within subsection (2) or (3).

(7) **[**F116DBS**]** may **[**F117determine**]** the form, manner and contents of an application for the purposes of this section.

Textual Amendments

F97 Word in ss. 45-47 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(d)** (with Pt. 4)

F112 Words in s. 47 heading substituted (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), **ss. 76(2)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

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F113 S. 47(2)(b)-(e) 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), ss. 76(2)(c), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F114 S. 47(3)(b)-(e) 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), ss. 76(2)(d), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F115 S. 47(5) 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), ss. 76(2)(e), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F116 Word in s. 47(7) 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), **48(e)** (with Pt. 4)

F117 Word in s. 47(7) substituted (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), **ss. 76(2)(f)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

Commencement Information

I74 S. 47(1)-(4) in force at 10.9.2012 by S.I. 2012/2231, **art. 2(c)**

I75 S. 47(6) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(j)**

I76 S. 47(7) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(s)**

I77 S. 47(7) in force at 10.9.2012 in so far as not already in force by S.I. 2012/2231, **art. 2(d)**

48 Supervisory authorities: notification of barring &c. in respect of children

(1) This section applies if—

(a) a person is [F118]... included in the children's barred list,

(b) [F119]DBS] becomes aware that a person is subject to a relevant children's disqualification, [F120]...

[F120](c) . . . . . .

(2) [F121]DBS] must notify every interested supervisory authority of the circumstance mentioned in paragraph (a), (b) or (c) (as the case may be) of subsection (1).

(3) A supervisory authority is an interested supervisory authority only if—

(a) it has applied to [F122]DBS] to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person, and

(b) the application has not been withdrawn.

(4) A supervisory authority may apply to [F123]DBS] under subsection (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).

(5) For the purposes of subsection (3)(b) an application is withdrawn if the supervisory authority notifies [F124]DBS] that it no longer wishes to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person.

(6) A person is subject to a relevant children's disqualification if he is 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.

(7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this section.

(8) [F125]DBS] may [F126]determine] the form, manner and contents of an application for the purposes of this section.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F118 Word in s. 48(1)(a) 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), ss. 76(3)(a)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F119 Word in s. 48(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), **48(f)** (with Pt. 4)

F120 S. 48(1)(c) and preceding word 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), ss. 76(3)(a)(v), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F121 Word in s. 48(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), **48(f)** (with Pt. 4)

F122 Word in s. 48(3) 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), **48(f)** (with Pt. 4)

F123 Word in s. 48(4) 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), **48(f)** (with Pt. 4)

F124 Word in s. 48(5) 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), **48(f)** (with Pt. 4)

F125 Word in s. 48(8) 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), **48(f)** (with Pt. 4)

F126 Word in s. 48(8) substituted (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), **ss. 76(3)(f)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

Commencement Information

I78 S. 48(6) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(k)**

I79 S. 48(7)(8) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(t)**

49 Supervisory authorities: notification of barring &c. in respect of vulnerable adults

(1) This section applies if—

(a) a person is [F127]... included in the adults' barred list,

(b) **[**[F128]DBS**]** becomes aware that a person is subject to a relevant adults' disqualification, [F129]...

[F129](c) . . . . . .

(2) **[**[F130]DBS**]** must notify every interested supervisory authority of the circumstance mentioned in paragraph (a) **[**[F131]or (b)**]** (as the case may be) of subsection (1).

(3) A supervisory authority is an interested supervisory authority only if—

(a) it has applied to **[**[F132]DBS**]** to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person, and

(b) the application has not been withdrawn.

(4) A supervisory authority may apply to **[**[F133]DBS**]** under subsection (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(5) For the purposes of subsection (3)(b) an application is withdrawn if the supervisory authority notifies **[**F134DBS**]** that it no longer wishes to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person.

(6) A person is subject to a relevant adults' disqualification if he is 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.

(7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this section.

(8) **[**F135DBS**]** may **[**F136determine**]** the form, manner and contents of an application for the purposes of this section.

Textual Amendments

F127 Word in s. 49(1)(a) 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), ss. 76(4)(a)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F128 Word in s. 49(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), **48(g)** (with Pt. 4)

F129 S. 49(1)(c) and preceding word 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), ss. 76(4)(a)(v), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F130 Word in s. 49(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), **48(g)** (with Pt. 4)

F131 Words in s. 49(2) substituted (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), ss. 76(4)(b), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F132 Word in s. 49(3) 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), **48(g)** (with Pt. 4)

F133 Word in s. 49(4) 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), **48(g)** (with Pt. 4)

F134 Word in s. 49(5) 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), **48(g)** (with Pt. 4)

F135 Word in s. 49(8) 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), **48(g)** (with Pt. 4)

F136 Word in s. 49(8) substituted (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), **ss. 76(4)(f)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

Commencement Information

I80 S. 49(6) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(l)**

I81 S. 49(7)(8) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(u)**

50 Provision of information to supervisory authorities

(1) This section applies if **[**F137DBS**]** has information that it thinks is relevant to a supervisory authority.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(2) **[**F137DBS**][**F138may (whether on an application by the authority or otherwise)**]** provide the supervisory authority with the information.

(3) Information is relevant to a supervisory authority if—

(a) it relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and

(b) is relevant to the exercise of any function of the authority **[**F139which is mentioned in section 45(7)**]**,

but does not include information falling within paragraph 19(5) of Schedule 3 **[**F140or of any circumstance mentioned in section 48(1) or 49(1)**]** in relation to a person.

[F141(4) A supervisory authority may apply to **[**F137DBS**]** under this section only if the information is required in connection with the exercise of a function of the supervisory authority which is mentioned in section 45(7).

(5) **[**F142DBS**]** may determine the form, manner and contents of an application for the purposes of this section.**]**

Textual Amendments

F137 Word in s. 50 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(e)** (with Pt. 4)

F138 Words in s. 50(2) substituted (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), **ss. 76(5)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F139 Words in s. 50(3)(b) inserted (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), **ss. 76(5)(b)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F140 Words in s. 50(3) substituted (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), **ss. 76(5)(b)(ii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F141 S. 50(4)(5) inserted (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), **ss. 76(5)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F142 Word in s. 50(5) 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), **48(h)** (with Pt. 4)

Commencement Information

I82 S. 50 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(j)**

I83 S. 50 in force at 22.6.2009 for specified purposes by S.I. 2009/1503, **art. 3**

I84 S. 50 in force at 22.4.2010 for specified purposes by S.I. 2010/1101, **art. 4**

I85 S. 50 in force at 10.9.2012 in so far as not already in force by S.I. 2012/2231, **art. 2(e)**

*[*F143*Provision of information to the police [*F144*etc.]*

Textual Amendments

F143 S. 50A and cross-heading inserted (30.11.2009) by Policing and Crime Act 2009 (c. 26), **ss. 88**, 116(1); S.I. 2009/3096, art. 2(a)

F144 Word in s. 50A cross-heading inserted (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. 65(4)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

50A Provision of information to the police [F145etc.]

(1) [F146DBS] 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.

[F147(c) the appointment of persons who are under the direction and control of the chief officer,

(d) any prescribed purpose]

[F148(1A) [F146DBS] must, for use for any of the purposes mentioned in subsection (1), provide to any chief officer of police who has requested it a barred list or information as to whether a particular person is barred.

(1B) [F146DBS] may, for use for the purposes of the protection of children or vulnerable adults, provide to a relevant authority any information which [F146DBS] reasonably believes to be relevant to that authority.

(1C) [F146DBS] must, for use for the purposes of the protection of children or vulnerable adults, provide to any relevant authority who has requested it information as to whether a particular person is barred.]

(2) The [F149powers conferred by this section do] not limit any other power of [F146DBS] to provide information for any purpose or to any person.]

[F150(3) In [F151this section], "a chief officer of police" includes—

(a) the Chief Constable of the Police Service of Northern Ireland, and

(b) the chief constable of [F152the Police Service of Scotland] .]

[F153(4) In this section "relevant authority" means—

(a) the Secretary of State exercising functions in relation to prisons, or

(b) a provider of probation services (within the meaning given by section 3(6) of the Offender Management Act 2007).]

Textual Amendments

F145 Word in s. 50A heading inserted (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. 9 para. 65(4)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F146 Word in s. 50A 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(e)** (with Pt. 4)

F147 S. 50A(1)(c)(d) inserted (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), **ss. 77(3)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

F148 Ss. 50A(1A)-(1C) inserted (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), **ss. 77(4)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

F149 Words in s. 50A(2) substituted (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. 9 para. 65(2)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F150 S. 50A(3) inserted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **12**

F151 Words in s. 50A(3) substituted (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. 9 para. 65(3)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

F152 Words in s. 50A(3)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 53**

F153 S. 50A(4) inserted (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), **ss. 77(5)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

Crown

51 Crown application

(1) Subject to the provisions of this section, this Act and any regulations or orders made under it bind the Crown.

(2) No contravention by the Crown of any provision of this Act or of any regulations or order made under it makes the Crown criminally liable.

(3) Despite subsection (2), this Act and any regulations or orders made under it apply to persons in Crown employment (within the meaning of the Employment Rights Act 1996 (c. 18)) as they apply to other persons.

(4) Subsection (2) of section 6 does not apply in relation to any activity carried out by the Crown.

(5) Each government department and other body performing functions on behalf of the Crown—

(a) if the department or body engages in regulated activity, is the regulated activity provider in relation to the activity;

F154(b) . . . . . .

(6) In subsection (5) "body" includes office-holder.

(7) Nothing in this section is to be taken as in any way affecting Her Majesty in her private capacity (within the meaning of section 38(3) of the Crown Proceedings Act 1947 (c. 44)).

Textual Amendments

F154 S. 51(5)(b) 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. 9 para. 66, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I86 S. 51 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(k)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

I87 S. 51 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

Miscellaneous

52 Referrals: findings of fact immaterial

(1) For the purposes of the provisions mentioned in subsection (2), it is immaterial whether there is a finding of fact in any proceedings.

(2) The provisions are—

section 35(3)(b) and (c);
section 36(4)(b) and (c);
section 39(2)(b) and (c) and (5)(a);
section 41(2)(b) and (c) and (5)(a);
section 45(2)(b) and (c) and (5)(a).

Commencement Information

I88 S. 52 in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

53 Fostering

(1) Despite section 58, this Act applies to activity that is regulated activity by virtue of paragraph 1(5) of Schedule 4.

(2) Subsection (1) does not affect the operation of this Act in relation to any other activity that is carried out in connection with a foster child.

(3) Subsection (4) applies if a person (P)—

(a) makes arrangements for another person to foster a child as a private foster parent, and

(b) has power to terminate the arrangements.

(4) P is, if he would not otherwise be, a regulated activity provider in relation to fostering carried out by the foster parent in pursuance of the arrangements.

(5) The following provisions of this section apply for the purposes of this Act.

(6) A person fosters a child if he is a foster parent of the child.

(7) A person is a foster parent if—

[F155(a) the person is a local authority foster parent within the meaning of section 105 of the Children Act 1989;**]**

(b) he is a person with whom a child has been placed by a voluntary organisation under section 59(1)(a) of that Act;

(c) he is a private foster parent.

(8) A person is a private foster parent if he falls within subsection (9) and looks after a child—

(a) for reward, or

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(b) in pursuance of an arrangement made by someone other than a member of the child's family.

(9) A person falls within this subsection if—

(a) he fosters the child privately within the meaning of section 66(1) of the Children Act 1989,

(b) he would be so fostering the child but for subsection (2) of that section (minimum period of 28 days), or

(c) (in the case of a child who has attained the age of 16) he would fall within paragraph (a) or (b) if the child were under the age of 16.

(10) A person's family includes—

(a) the person's foster child;

(b) the foster child of any member of the person's family;

and references to a family relationship and family member are to be construed accordingly.

Textual Amendments

F155 S. 53(7)(a) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **255**

Commencement Information

I89 S. 53 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(l)**

I90 S. 53 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(i)**

54 Devolution: alignment

(1) The Secretary of State may, by order, make such provision (including provision amending any enactment contained in or made under any Act, including this Act) as he thinks necessary or expedient in consequence of or having regard to any relevant Scottish legislation or relevant Northern Ireland legislation.

(2) An order may—

F156(a) . . . . . .

(b) confer power to make subordinate legislation (within the meaning given by the Interpretation Act 1978 (c. 30)).

(3) Relevant Scottish legislation is any provision made by or under an Act of the Scottish Parliament which the Secretary of State thinks—

(a) corresponds to provision made by or under this Act,

F157(b) . . . . . or

(c) affects the operation of any provision made by or under this Act.

(4) Relevant Northern Ireland legislation is any provision of such legislation which the Secretary of State thinks—

(a) corresponds to provision made by or under this Act

F158(b) . . . . . or

(c) affects the operation of any provision made by or under this Act.

F159(5) . . . . . .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F156 S. 54(2)(a) 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. 9 para. 67(2), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F157 S. 54(3)(b) 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. 9 para. 67(3), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F158 S. 54(4)(b) 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. 9 para. 67(4), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F159 S. 54(5) 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. 9 para. 67(5), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I91 S. 54(1)(2) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(m)**

I92 S. 54(1)(2) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I93 S. 54(3)-(5) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

55 Northern Ireland

An Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (legislation for Northern Ireland during suspension of devolved government) which contains a statement that it is made only for purposes corresponding to those of this Act—

(a) is not subject to paragraph 2 of that Schedule (affirmative resolution of both Houses of Parliament), but

(b) is subject to annulment in pursuance of a resolution of either House of Parliament.

56 Devolution: Wales

F160(1) . . . . . .

(2) If the exercise of a power to make subordinate legislation under any of the following provisions will have effect in relation to any function of the Welsh Ministers to which the provision applies, or would apply in consequence of the exercise of the power, the Secretary of State must not exercise the power without the consent of the Welsh Ministers—

(a) section **[**F161**]**45(9)**]**;

(b) section 46(2);

F162(c) . . . . . .

(d) section 48(7) F163... ;

(e) section 49(7) F163... .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(3) If the exercise of a power to make subordinate legislation under any of the following provisions will have effect in relation to Wales, the Secretary of State must not exercise the power unless he first consults the Welsh Ministers—

(a) section 5(3);

F164(b) . . . . . .

F164(c) . . . . . .

F164(d) . . . . . .

F164(e) . . . . . .

F164(f) . . . . . .

(g) section 35(1);

(h) section 36(1), (2) or (3);

(i) section 37(2);

F165(j) . . . . . .

(k) section 40(2);

(l) section **[**F166**41(8)]**;

(m) section 42(2);

F167(n) . . . . . .

(o) section 64(2);

(p) section 65;

(q) paragraph 1(1), 2(1), 7(1) or 8(1) of Schedule 3;

(r) paragraph 2(1)(f) or **[**F168**7(1)(f) or (g)]** of Schedule 4;

F169(s) . . . . . .

F169(t) . . . . . .

(4) A power to make subordinate legislation is a power to make regulations or an order.

(5) In the application of section 61 to the exercise of a power by the Welsh Ministers by virtue of this section—

(a) the reference in subsection (2) of that section to either House of Parliament must be taken to be a reference to the National Assembly for Wales;

(b) the reference in subsection (3) of that section to each House of Parliament must be taken to be a reference to the Assembly.

Textual Amendments

F160 S. 56(1) 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. 9 para. 68(2), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

F161 Words in s. 56(2)(a) substituted (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. 9 para. 68(3)(a)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)

F162 S. 56(2)(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. 9 para. 68(3)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

F163 Words in s. 56(2)(d)(e) 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. 68(3)(c), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

F164 S. 56(3)(b)-(f) 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. 9 para. 68(4)(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

F165 S. 56(3)(j) 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. 9 para. 68(4)(c), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

F166 Words in s. 56(3)(l) substituted (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. 9 para. 68(4)(d)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)

F167 S. 56(3)(n) 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. 9 para. 68(4)(e), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

F168 Words in s. 56(3)(r) substituted (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. 9 para. 68(4)(f)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)

F169 S. 56(3)(s)(t) 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. 9 para. 68(4)(g), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

Commencement Information

I94 S. 56 in force at 31.12.2007 by S.I. 2007/3545, **art. 2(e)**

General

57 Damages

(1) No claim for damages lies in respect of any loss or damage suffered by any person in consequence of—

(a) the fact that an individual is included in a barred list;

(b) the fact that an individual is not included in a barred list;

(c) the provision of [F170]... information in pursuance of any of sections 35, 36, 37, 39, 40, 41, 42, 45 and 46.

(2) Subsection (1)(c) does not apply to the provision of information which is untrue by a person who knows the information is untrue and either—

(a) he is the originator of the information and he knew at the time he originated the information that it was not true, or

(b) he causes another person to be the originator of the information knowing, at the time the information is originated, that it is untrue.

(3) Nothing in this Act affects section 8 of the Human Rights Act 1998 (c. 42) as it relates to the power of a court to award damages in respect of an unlawful act of a public authority (within the meaning of that Act).

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Textual Amendments

F170 Word in s. 57(1)(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. 9 para. 69, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

Commencement Information

I95 S. 57 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(m)**

I96 S. 57 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(j)**

58 Family and personal relationships

(1) This Act does not apply to any activity which is carried out in the course of a family relationship.

(2) This Act does not apply to any activity which is carried out—

(a) in the course of a personal relationship, and

(b) for no commercial consideration.

(3) A family relationship includes a relationship between two persons who—

(a) live in the same household, and

(b) treat each other as though they were members of the same family.

(4) A personal relationship is a relationship between or among friends.

(5) A friend of a person (A) includes a person who is a friend of a member of A's family.

(6) The Secretary of State may by order provide that an activity carried out in specified circumstances either is or is not—

(a) carried out in the course of a family relationship;

(b) carried out in the course of a personal relationship.

Commencement Information

I97 S. 58 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(n)**

I98 S. 58 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I99 S. 58(6) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(n)**

F171 59 Vulnerable adults

. . . . . .

Textual Amendments

F171 S. 59 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), ss. 65(1), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(b)(bb)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

60 Interpretation

(1) In this Act—

[[F172] " adult " means a person who has attained the age of 18; **]**

"the adults' barred list" must be construed in accordance with section 2(1)(b);

"barred list" means the children's barred list or the adults' barred list;

"child" means a person who has not attained the age of 18;

"the children's barred list" must be construed in accordance with section 2(1)(a);

[[F173]"DBS" means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012;**]**

"educational institution" includes any training provider (within the meaning of Part 3 of the Education Act 2005 (c. 18)), whether or not the training provider would otherwise be regarded as an institution;

"employment agency" and "employment business" must be construed in accordance with the Employment Agencies Act 1973 (c. 35);

"personnel supplier" means—

(a) a person carrying on an employment agency or an employment business, or

(b) an educational institution which supplies to another person a student who is following a course at the institution, for the purpose of enabling the student to obtain experience of engaging in regulated [F174]... activity;

"prescribed" means prescribed by regulations made by the Secretary of State;

"supervisory authority" must be construed in accordance with section 45(7);

"vulnerable adult" **[**[F175]means any adult to whom an activity which is a regulated activity relating to vulnerable adults by virtue of any paragraph of paragraph 7(1) of Schedule 4 is provided**]**.

(2) A reference (however expressed) to a person being barred must be construed in accordance with section 3.

[F176](3) . . . . . .

(4) Nothing in this Act affects any power to provide information that exists apart from this Act.

Textual Amendments

F172 Definition in s. 60(1) inserted (E.W.) (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), **ss. 65(2)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(b)

F173 Definition in s. 60(1) inserted (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), **5** (with Pt. 4)

F174 Words in s. 60(1) 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. 9 para. 70(2), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

F175 Words in s. 60(1) substituted (E.W.) (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), **ss. 65(2)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(b)

F176 S. 60(3) 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. 9 para. 70(3), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

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Commencement Information

I100 S. 60 in force at 31.3.2008 for specified purposes for N.I. by S.I. 2008/930, **art. 2(b)**

I101 S. 60 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I102 S. 60(1) in force at 31.12.2007 for specified purposes for E.W. by S.I. 2007/3545, **art. 2(f)**

I103 S. 60(1)(4) in force at 11.2.2008 for specified purposes for E.W. by S.I. 2007/3545, **art. 4(p)**

61 Orders and regulations

(1) Any power under this Act to make orders or regulations is exercisable by statutory instrument.

(2) Subject to subsections (3) and (4), orders or regulations under this Act are subject to annulment in pursuance of a resolution of either House of Parliament.

(3) An instrument containing provision made—

(a) by order under section 5(3),

F177(b) . . . . . .

F177(c) . . . . . .

F177(d) . . . . . .

F177(e) . . . . . .

(f) by order under section 54(1) if it contains provision amending any Act or confers power to make subordinate legislation,

(g) under section 64(3),

(h) in regulations prescribing criteria for the purpose of paragraph 1, 2, 7 or 8 of Schedule 3, **[**F178or**]**

(i) by order under paragraph 6 or 12 of Schedule 3, F179...

F179(j) . . . . . .

must not be made unless a draft of the instrument is laid before and approved by a resolution of each House of Parliament.

(4) Subsection (2) does not apply to an order made under section 65, including such an order which contains provision made under section 64 (except subsection (3) of that section).

(5) A power to make an order or regulations may be exercised so as to make different provision for different purposes.

Textual Amendments

F177 S. 61(3)(b)-(e) 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. 9 para. 71(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

F178 Word in s. 61(3)(h) inserted (E.W.) (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. 9 para. 71(b)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iv)

F179 S. 61(3)(j) and preceding word 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. 9 para. 71(c), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

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Commencement Information

I104 S. 61 in force at 31.12.2007 by S.I. 2007/3545, **art. 2(g)**
I105 S. 61 in force at 31.3.2008 for specified purposes for N.I. by S.I. 2008/930, **art. 2(b)**
I106 S. 61 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

62 Transitional provision

Schedule 8 has effect.

Commencement Information

I107 S. 62 in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(h)**
I108 S. 62 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(q)**

63 Amendments and repeals

(1) Schedule 9 contains amendments.

(2) Schedule 10 contains repeals.

Modifications etc. (not altering text)

C8 S. 63 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. 6-8)
C9 S. 63 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. 6-8)
C10 S. 63 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. 6-8)

Commencement Information

I109 S. 63 in force at 12.10.2009 for specified purposes by S.I. 2009/2610, **art. 2(c)** (with arts. 4-23)
I110 S. 63 in force at 12.10.2009 for specified purposes by S.I. 2009/2611, art. 2, **Sch.**
I111 S. 63(1) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(d)**
I112 S. 63(1) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 3**
I113 S. 63(1) in force at 17.12.2008 for specified purposes by S.I. 2008/3204, **art. 2(a)**
I114 S. 63(1) in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(l)**
I115 S. 63(1) in force at 22.6.2009 for specified purposes by S.I. 2009/1503, **art. 2(b)**
I116 S. 63(2) in force at 30.3.2010 for specified purposes by S.I. 2010/1101, **art. 5**
I117 S. 63(2) in force at 17.6.2013 for specified purposes by S.I. 2012/2231, **art. 4(a)** (see S.I. 2013/1180, art. 2(b))

64 Supplementary, incidental, consequential &c. provision

(1) Power to make subordinate legislation under this Act includes power to make—

(a) such supplementary, incidental or consequential provision, or

(b) such transitory, transitional or saving provision,

as the person making the subordinate legislation thinks necessary or expedient.

(2) The Secretary of State may by order may make such further provision as he considers appropriate—

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(a) for the general purposes, or any particular purpose, of this Act;
(b) in consequence of any provision made by this Act;
(c) for giving full effect to this Act or any provision made by it.

(3) Subordinate legislation under subsection (1) or (2) may amend, repeal, revoke or otherwise modify any enactment (including this Act).

(4) References in this section to subordinate legislation are to an order or regulations under this Act.

(5) Nothing in this Act affects the generality of the power conferred by this section.

Commencement Information
I118 S. 64 in force at 31.12.2007 by S.I. 2007/3545, **art. 2(i)**

65 Commencement

This Act (except this section and section 55) comes into force on such day as the Secretary of State appoints by order.

66 Extent

(1) Subject to subsections (2) to (4), the preceding provisions of this Act extend only to England and Wales.

(2) Sections 1, 28, 29 and 55 and Schedule 1 and, so far as relating to those provisions, sections 59 to 61 and 65 also extend to Northern Ireland.

(3) The amendment of an enactment in Schedule 9 has the same extent as the enactment amended, but the amendments made by paragraph 14 of that Schedule do not extend to Scotland.

(4) Her Majesty may by Order in Council direct that this Act extends, with such modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.

Commencement Information
I119 S. 66 in force at 31.12.2007 by S.I. 2007/3545, **art. 2(l)**

67 Short title

This Act may be cited as the Safeguarding Vulnerable Groups Act 2006.

Commencement Information
I120 S. 67 in force at 31.12.2007 by S.I. 2007/3545, **art. 2(m)**

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SCHEDULES

[F180SCHEDULE 1

Section 1

[F181INDEPENDENT SAFEGUARDING AUTHORITY]

Textual Amendments

F180 Sch. 1 ceases to have effect (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **112** (with Pt. 4)

F181 Words in Sch. 1 heading substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Membership

1 (1) [F182ISA] shall consist of—

(a) a chairman;

(b) such number of other members as the Secretary of State decides.

(2) The chairman and other members—

(a) are to be appointed by the Secretary of State;

(b) must appear to the Secretary of State to have knowledge or experience of any aspect of child protection or the protection of vulnerable adults.

Textual Amendments

F182 Words in Sch. 1 para. 1 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

I121 Sch. 1 para. 1 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I122 Sch. 1 para. 1 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Tenure of office

2 (1) The chairman and members hold and must vacate office as such in accordance with the terms of their respective appointments.

(2) The appointment of a person to hold office is for a term not exceeding five years.

(3) A person holding office may at any time resign that office by giving notice in writing to the Secretary of State.

(4) The Secretary of State may by notice in writing remove a person from office if satisfied that any of the following applies to him—

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(a) he has, without reasonable excuse, failed, for a continuous period of three months, to carry out his functions;

(b) he has been convicted (whether before or after his appointment) of a criminal offence;

(c) he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged;

[F183(ca) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);**]**

(d) he is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 (c. 45) or an order to the like effect made under any corresponding enactment in force in Scotland or Northern Ireland;

[F184(da) he is the subject of a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act (c45);**]**

(e) he has made a composition or arrangement with, or granted a trust deed for, his creditors;

(f) he has failed to comply with the terms of his appointment;

(g) he is otherwise unable or unfit to carry out his functions as chairman or member.

(5) A person who ceases to be chairman or a member is eligible for re-appointment, except where he is removed from office under sub-paragraph (4).

Textual Amendments

F183 Sch. 1 para. 2(4)(ca) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 58(2)** (with art. 5)

F184 Sch. 1 para. 2(4)(da) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 58(3)** (with arts. 5, 6)

Commencement Information

I123 Sch. 1 para. 2 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I124 Sch. 1 para. 2 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Remuneration, pension etc. of members

3 (1) **[**F181ISA**]** must pay to the chairman and each of the other members such remuneration and allowances as may be determined by the Secretary of State.

(2) **[**F181ISA**]** must, if required to do so by the Secretary of State—

(a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been the chairman or a member, or

(b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.

(3) If the Secretary of State thinks that there are special circumstances which make it right for a person ceasing to hold office as chairman or a member to receive compensation, **[**F181ISA**]** must pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(4) Service as chairman or other member of **[**F181ISA**]** is included among the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of service are listed) insert at the appropriate place— " The **[**F181Independent Safeguarding Authority**]**. "

(5) **[**F181ISA**]** must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (4) in the sums payable out of money provided by Parliament under that Act.

Commencement Information

I125 Sch. 1 para. 3 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I126 Sch. 1 para. 3 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Staff

4 (1) **[**F181ISA**]** shall have—

(a) a chief executive;

(b) such other employees as it may appoint.

(2) The chairman may be appointed as chief executive.

(3) **[**F181ISA**]** may make arrangements for persons to be seconded to **[**F181ISA**]** to serve as members of its staff.

(4) A member of a police force on temporary service with **[**F181ISA**]** shall be under the direction and control of **[**F181ISA**]**.

Commencement Information

I127 Sch. 1 para. 4 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I128 Sch. 1 para. 4 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Remuneration, pensions etc. of staff

5 (1) **[**F181ISA**]** must pay to its employees such remuneration and allowances as it may determine.

(2) **[**F181ISA**]** may pay, or make payments in respect of, such pensions, allowances or gratuities to or in respect of its employees or former employees as it may determine.

(3) Employment with **[**F181ISA**]** is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) insert at the appropriate place— " Employment by the **[**F181Independent Safeguarding Authority**]**. "

(4) If any person—

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(a) on ceasing to be employed by **[**[F181]ISA**]** becomes or continues to be one of its members, and

(b) was, by reference to his employment, a participant in a scheme under section 1 of that Act,

the Minister for the Civil Service may determine that his service as a member of **[**[F181]ISA**]** is to be treated for the purposes of the scheme as if his service as a member were service as an employee of **[**[F181]ISA**]** (whether or not any benefits are payable to or in respect of him by virtue of paragraph 3).

(5) **[**[F181]ISA**]** must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.

Commencement Information

I129 Sch. 1 para. 5 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I130 Sch. 1 para. 5 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Delegation of functions

6 (1) **[**[F181]ISA**]** may to such extent as it may determine delegate any of its functions to—

(a) one of its members;

(b) a member of its staff;

(c) a committee consisting of some of its members, members of its staff or both members and members of staff.

(2) A committee mentioned in sub-paragraph (1)(c) which consists of both members and members of staff must be chaired by a member.

Commencement Information

I131 Sch. 1 para. 6 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I132 Sch. 1 para. 6 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

7 **[**[F181]ISA**]** may to such extent as it may determine delegate any of its functions, other than a core function, to—

(a) a person who is neither a member nor a member of staff;

(b) a committee (including a committee which comprises or includes persons who are neither members nor members of staff).

Commencement Information

I133 Sch. 1 para. 7 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I134 Sch. 1 para. 7 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

8 A core function is—

(a) determining whether it is appropriate for a person to be included in a barred list;

(b) determining whether to remove a person from a barred list;

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(c) considering representations made for the purposes of Schedule 3.

Commencement Information
I135 Sch. 1 para. 8 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**
I136 Sch. 1 para. 8 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Reports

9 (1) As soon as possible after the end of each financial year **[**F185ISA**]** must issue a report on the exercise of its functions during that year.

(2) **[**F185ISA**]** must arrange for the report to be published in such manner as it considers appropriate.

Textual Amendments
F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information
I137 Sch. 1 para. 9 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**
I138 Sch. 1 para. 9 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

10 The Secretary of State may direct **[**F185ISA**]** to submit a report to him on any matter regarding the exercise of **[**F185ISA's**]** functions as may be specified in the direction.

Textual Amendments
F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information
I139 Sch. 1 para. 10 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**
I140 Sch. 1 para. 10 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Funding

11 The Secretary of State may make payments to **[**F185ISA**]** of such amounts, at such times and on such conditions (if any) as he thinks appropriate.

Textual Amendments
F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information
I141 Sch. 1 para. 11 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**
I142 Sch. 1 para. 11 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Accounts

12 (1) **[**F185ISA**]** must keep its accounts in such form as the Secretary of State determines.

(2) **[**F185ISA**]** must prepare annual accounts in respect of each financial year in such form as the Secretary of State decides.

(3) Before the end of the specified period following the end of each financial year to which the annual accounts relate **[**F185ISA**]** must send a copy of the accounts to the Secretary of State and the Comptroller and Auditor General.

(4) The Comptroller and Auditor General must—

(a) examine, certify and report on the annual accounts;

(b) send a copy of the accounts and of his report to the Secretary of State, who must lay them before each House of Parliament.

(5) The financial year is—

(a) the period starting on the day **[**F185ISA**]** is established and ending on the next 31st March;

(b) each succeeding period of 12 months.

(6) The specified period is such period as the Secretary of State directs.

Textual Amendments

F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

I143 Sch. 1 para. 12 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I144 Sch. 1 para. 12 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Status

13 (1) **[**F185ISA**]** is not to be regarded—

(a) as the servant or agent of the Crown, or

(b) as enjoying any status, immunity or privilege of the Crown.

(2) **[**F185ISA's**]** property is not to be regarded as property of, or property held on behalf of, the Crown.

Textual Amendments

F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

I145 Sch. 1 para. 13 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I146 Sch. 1 para. 13 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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Payments in connection with maladministration

14 (1) If **[**[F185]ISA**]** thinks—

(a) that action taken by or on behalf of **[**[F185]ISA**]** amounts to maladministration, and

(b) that a person has been adversely affected by the action,

[[F185]ISA**]** may make such payment (if any) to the person as it thinks appropriate.

(2) "Action" includes failure to act.

Textual Amendments

F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

I147 Sch. 1 para. 14 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I148 Sch. 1 para. 14 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Incidental powers

15 (1) In connection with the exercise of any of its functions **[**[F185]ISA**]** may—

(a) enter into contracts and other agreements (whether legally binding or not);

(b) acquire and dispose of property (including land);

(c) borrow money;

(d) do such other things as **[**[F185]ISA**]** thinks necessary or expedient.

(2) The power conferred by sub-paragraph (1)(b) includes accepting—

(a) gifts of money, and

(b) gifts or loans of other property,

on such terms as **[**[F185]ISA**]** thinks appropriate.

(3) But **[**[F185]ISA**]** may exercise the power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.

(4) Such consent may be given—

(a) with respect to a particular case or with respect to a class of cases;

(b) subject to such conditions as the Secretary of State thinks appropriate.

Textual Amendments

F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

I149 Sch. 1 para. 15 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I150 Sch. 1 para. 15 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Documents

16 A document purporting to be signed on behalf of **[**F185ISA**]** shall be received in evidence and, unless the contrary is proved, be taken to be so signed.**]**

Textual Amendments

F185 Words in Sch. 1 paras. 9-16 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(ii), 116(5)(a)

Commencement Information

I151 Sch. 1 para. 16 in force at 2.1.2008 for E.W. by S.I. 2007/3545, **art. 3**

I152 Sch. 1 para. 16 in force at 31.3.2008 for N.I. by S.I. 2008/930, **art. 2(a)**

[F186SCHEDULE 2

Section 1

TRANSFERS TO **[**F187ISA**]**

Textual Amendments

F186 Sch. 2 ceases to have effect (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **112** (with Pt. 4)

F187 Words in Sch. 3 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(iii), 116(5)(a)

Staff transfer schemes

1 (1) The Secretary of State may make a scheme (a "staff transfer scheme") providing—

(a) for a person employed in the civil service of the state to become an employee of **[**F188ISA**]**;

(b) for his terms of employment to have effect (subject to any necessary modifications) as the terms of his contract of employment with **[**F188ISA**]**;

(c) for the transfer to **[**F188ISA**]** of the rights, powers, duties and liabilities of the Crown under or in connection with his terms of employment;

(d) for anything done (or having effect as if done) before that transfer by or in relation to the Crown in respect of the terms of employment or the person to be treated as having been done by or in relation to **[**F188ISA**]**.

(2) A staff transfer scheme may provide for a period before a person became an employee of **[**F188ISA**]** to count as a period during which he was such an employee (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).

(3) A staff transfer scheme may provide for a person in the civil service of the state who would otherwise become an employee of **[**F188ISA**]** not to become such an employee if he gives notice objecting to the operation of the scheme in relation to him.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(4) A staff transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as having his employment terminated by the operation of the scheme not to be so treated.

Textual Amendments

F188 Words in Sch. 2 para. 1 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(iii), 116(5)(a)

Commencement Information

I153 Sch. 2 para. 1 in force at 2.1.2008 by S.I. 2007/3545, **art. 3**

Property transfer schemes

2 (1) The Secretary of State may make a scheme (a "property transfer scheme") providing for the transfer to **[**F189ISA**]** of any property, rights or liabilities of the Secretary of State.

(2) The things that may be transferred by a property transfer scheme include—

(a) property, rights and liabilities that could not otherwise be transferred;

(b) property acquired, and rights and liabilities arising, after the making of the scheme.

(3) A property transfer scheme may—

(a) create interests in, or rights in relation to, anything that is or could be transferred by the scheme;

(b) impose liabilities in relation to anything that is or could be transferred or created by the scheme;

(c) apportion property, rights and liabilities;

(d) provide for things done by or in relation to the Secretary of State in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to **[**F189ISA**]**;

(e) make provision about the continuation of legal proceedings.

Textual Amendments

F189 Words in Sch. 2 para. 2 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(m)(iii), 116(5)(a)

Commencement Information

I154 Sch. 2 para. 2 in force at 2.1.2008 by S.I. 2007/3545, **art. 3**

Schemes: supplementary

3 A staff transfer scheme, or property transfer scheme, may make supplementary, incidental, transitional and consequential provision.**]**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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
I155 Sch. 2 para. 3 in force at 2.1.2008 by S.I. 2007/3545, **art. 3**

SCHEDULE 3

Section 2

BARRED LISTS

Modifications etc. (not altering text)
C11 Sch. 3 modified (20.1.2009) by Safeguarding Vulnerable Groups Act 2006 (Transitory Provisions) Order 2009 (S.I. 2009/12), arts. 1(1), **5**

PART 1

CHILDREN'S BARRED LIST

Automatic inclusion

1 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[F190(2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the children's barred list.**]**

Textual Amendments
F190 Sch. 3 para. 1(2) substituted for Sch. 3 para. 1(2)(3) (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), **56** (with Pt. 4)

Modifications etc. (not altering text)
C12 Sch. 3 para. 1 modified (temp.) (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **9(2)**

Commencement Information
I156 Sch. 3 para. 1 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**
I157 Sch. 3 para. 1 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**
I158 Sch. 3 para. 1(1) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(j)**

Inclusion subject to consideration of representations

2 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[F191**[**F192(2) Sub-paragraph (4) applies if it appears to DBS that—

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(a) this paragraph applies to a person, and

(b) the person is or has been, or might in future be, engaged in regulated activity relating to children.**]**

(4) **[**F193DBS**]** must give the person the opportunity to make representations as to why the person should not be included in the children's barred list.

(5) Sub-paragraph (6) applies if—

(a) the person does not make representations before the end of any time prescribed for the purpose, or

(b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).

(6) If **[**F193DBS**]** —

(a) is satisfied that this paragraph applies to the person, and

(b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,

it must include the person in the list.

(7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.

(8) If **[**F193DBS**]** —

(a) is satisfied that this paragraph applies to the person,

(b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children, and

(c) is satisfied that it is appropriate to include the person in the children's barred list,

it must include the person in the list.**]**

Textual Amendments

F191 Sch. 3 para. 2(2)-(8) substituted for Sch. 3 para. 2(2)-(4) (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), **ss. 67(2)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F192 Sch. 3 para. 2(2) substituted for Sch. 3 para 2(2)(3) (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), **57** (with Pt. 4)

F193 Word in Sch. 3 paras. 2-5 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(f)(i)** (with Pt. 4)

Modifications etc. (not altering text)

C13 Sch. 3 para. 2 modified (temp.) (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **9(3)**

Commencement Information

I159 Sch. 3 para. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I160 Sch. 3 para. 2 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

I161 Sch. 3 para. 2(1) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(j)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Behaviour

3 (1) This paragraph applies to a person if—

(a) it appears to **[**F193DBS**]** that the person **[**F194—

(i) has (at any time) engaged in relevant conduct, and

(ii) is or has been, or might in future be, engaged in regulated activity relating to children,**]** and

(b) **[**F193DBS**]** proposes to include him in the children's barred list.

(2) **[**F193DBS**]** must give the person the opportunity to make representations as to why he should not be included in the children's barred list.

(3) **[**F193DBS**]** must include the person in the children's barred list if—

(a) it is satisfied that the person has engaged in relevant conduct,

[F195(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,**]** and

(b) it **[**F196is satisfied**]** that it is appropriate to include the person in the list.

(4) This paragraph does not apply to a person if the relevant conduct consists only of an offence committed against a child before the commencement of section 2 and the court, having considered whether to make a disqualification order, decided not to.

(5) In sub-paragraph (4)—

(a) the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000 (c. 43);

(b) a disqualification order is an order under section 28, 29 or 29A of that Act.

Textual Amendments

F193 Word in Sch. 3 paras. 2-5 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(f)(i)** (with Pt. 4)

F194 Words in Sch. 3 para. 3(1)(a) substituted (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), **ss. 67(3)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F195 Sch. 3 para. 3(3)(aa) inserted (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), **ss. 67(3)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F196 Words in Sch. 3 para. 3(3)(b) substituted (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), **ss. 67(3)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

I162 Sch. 3 para. 3 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I163 Sch. 3 para. 3 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

4 (1) For the purposes of paragraph 3 relevant conduct is—

(a) conduct which endangers a child or is likely to endanger a child;

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;

(c) conduct involving sexual material relating to children (including possession of such material);

(d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to **[**F193DBS**]** that the conduct is inappropriate;

(e) conduct of a sexual nature involving a child, if it appears to **[**F193DBS**]** that the conduct is inappropriate.

(2) A person's conduct endangers a child if he—

(a) harms a child,

(b) causes a child to be harmed,

(c) puts a child at risk of harm,

(d) attempts to harm a child, or

(e) incites another to harm a child.

(3) "Sexual material relating to children" means—

(a) indecent images of children, or

(b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.

(4) "Image" means an image produced by any means, whether of a real or imaginary subject.

(5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.

(6) For the purposes of sub-paragraph (1)(d) and (e), **[**F193DBS**]** must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F193 Word in Sch. 3 paras. 2-5 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(f)(i)** (with Pt. 4)

Commencement Information

I164 Sch. 3 para. 4 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I165 Sch. 3 para. 4(1)-(4)(6) in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

I166 Sch. 3 para. 4(5) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

Risk of harm

5 (1) This paragraph applies to a person if—

(a) it appears to **[**F193DBS**]** that the person**[**F197—

(i) falls within sub-paragraph (4), and

(ii) is or has been, or might in future be, engaged in regulated activity relating to children**]** and

(b) **[**F193DBS**]** proposes to include him in the children's barred list.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(2) **[**F193DBS**]** must give the person the opportunity to make representations as to why he should not be included in the children's barred list.

(3) **[**F193DBS**]** must include the person in the children's barred list if—

(a) it is satisfied that the person falls within sub-paragraph (4),

[F198(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,**]** and

(b) it **[**F199is satisfied**]** that it is appropriate to include the person in the list.

(4) A person falls within this sub-paragraph if he may—

(a) harm a child,

(b) cause a child to be harmed,

(c) put a child at risk of harm,

(d) attempt to harm a child, or

(e) incite another to harm a child.

Textual Amendments

F193 Word in Sch. 3 paras. 2-5 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(f)(i)** (with Pt. 4)

F197 Words in Sch. 3 para. 5(1)(a) substituted (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), **ss. 67(4)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F198 Sch. 3 para. 5(3)(aa) inserted (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), **ss. 67(4)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F199 Words in Sch. 3 para. 5(3)(b) substituted (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), **ss. 67(4)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

I167 Sch. 3 para. 5 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I168 Sch. 3 para. 5 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

Restriction on inclusion

6 (1) **[**F200DBS**]** must not include a person in the children's barred list—

(a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or

(b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.

(2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of **[**F200DBS**]** .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

Textual Amendments

F200 Word in Sch. 3 para. 6 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(f)(iii)** (with Pt. 4)

Commencement Information

I169 Sch. 3 para. 6 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I170 Sch. 3 para. 6 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I171 Sch. 3 para. 6(1)(b)(2)(3) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(o)**

PART 2

ADULTS' BARRED LIST

Automatic inclusion

7 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[F201(2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the adults' barred list.**]**

Textual Amendments

F201 Sch. 3 para. 7(2) substituted for Sch. 3 para. 7(2)(3) (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), **58** (with Pt. 4)

Modifications etc. (not altering text)

C14 Sch. 3 para. 7 modified (temp.) (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **9(4)**

Commencement Information

I172 Sch. 3 para. 7 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I173 Sch. 3 para. 7 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

I174 Sch. 3 para. 7(1) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(j)**

Inclusion subject to consideration of representations

8 (1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[F202**[**F203(2) Sub-paragraph (4) applies if it appears to DBS that—

(a) this paragraph applies to a person, and

(b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults.**]**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(4) **[**F204DBS**]** must give the person the opportunity to make representations as to why the person should not be included in the adults' barred list.

(5) Sub-paragraph (6) applies if—

(a) the person does not make representations before the end of any time prescribed for the purpose, or

(b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).

(6) If **[**F204DBS**]** —

(a) is satisfied that this paragraph applies to the person, and

(b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,

it must include the person in the list.

(7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.

(8) If **[**F204DBS**]** —

(a) is satisfied that this paragraph applies to the person,

(b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults, and

(c) is satisfied that it is appropriate to include the person in the adults' barred list,

it must include the person in the list.**]**

Textual Amendments

F202 Sch. 3 para. 8(2)-(8) substituted for Sch. 3 para. 8(2)-(4) (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), **ss. 67(6)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F203 Sch. 3 para. 8(2) substituted for Sch. 3 para. 8(2)(3) (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), **59** (with Pt. 4)

F204 Word in Sch. 3 paras. 8-11 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(f)(iv)** (with Pt. 4)

Modifications etc. (not altering text)

C15 Sch. 3 para. 8 modified (temp.) (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **9(5)**

Commencement Information

I175 Sch. 3 para. 8 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I176 Sch. 3 para. 8 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

I177 Sch. 3 para. 8(1) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(j)**

Behaviour

9 (1) This paragraph applies to a person if—

(a) it appears to **[**F204DBS**]** that the person**[**F205—

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(i) has (at any time) engaged in relevant conduct, and

(ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,**]** and

(b) **[**F204DBS**]** proposes to include him in the adults' barred list.

(2) **[**F204DBS**]** must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.

(3) **[**F204DBS**]** must include the person in the adults' barred list if—

(a) it is satisfied that the person has engaged in relevant conduct,

[F206(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,**]** and

(b) it **[**F207is satisfied**]** that it is appropriate to include the person in the list.

Textual Amendments

F204 Word in Sch. 3 paras. 8-11 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(f)(iv)** (with Pt. 4)

F205 Words in Sch. 3 para. 9(1)(a) substituted (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), **ss. 67(7)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F206 Sch. 3 para. 9(3)(aa) inserted (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), **ss. 67(7)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F207 Words in Sch. 3 para. 9(3)(b) substituted (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), **ss. 67(7)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

I178 Sch. 3 para. 9 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I179 Sch. 3 para. 9 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

10 (1) For the purposes of paragraph 9 relevant conduct is—

(a) conduct which endangers a vulnerable adult or is likely to endanger a vulnerable adult;

(b) conduct which, if repeated against or in relation to a vulnerable adult, would endanger that adult or would be likely to endanger him;

(c) conduct involving sexual material relating to children (including possession of such material);

(d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to **[**F204DBS**]** that the conduct is inappropriate;

(e) conduct of a sexual nature involving a vulnerable adult, if it appears to **[**F204DBS**]** that the conduct is inappropriate.

(2) A person's conduct endangers a vulnerable adult if he—

(a) harms a vulnerable adult,

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Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(b) causes a vulnerable adult to be harmed,
(c) puts a vulnerable adult at risk of harm,
(d) attempts to harm a vulnerable adult, or
(e) incites another to harm a vulnerable adult.

(3) "Sexual material relating to children" means—
(a) indecent images of children, or
(b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.

(4) "Image" means an image produced by any means, whether of a real or imaginary subject.

(5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.

(6) For the purposes of sub-paragraph (1)(d) and (e), **[**F204DBS**]** must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F204 Word in Sch. 3 paras. 8-11 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(f)(iv)** (with Pt. 4)

Commencement Information

I180 Sch. 3 para. 10 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**
I181 Sch. 3 para. 10(1)-(4)(6) in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**
I182 Sch. 3 para. 10(5) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

Risk of harm

11 (1) This paragraph applies to a person if—
(a) it appears to **[**F204DBS**]** that the person**[**F208—
(i) falls within sub-paragraph (4), and
(ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults**]**, and
(b) **[**F204DBS**]** proposes to include him in the adults' barred list.

(2) **[**F204DBS**]** must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.

(3) **[**F204DBS**]** must include the person in the adults' barred list if—
(a) it is satisfied that the person falls within sub-paragraph (4),
[F209(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,**]** and
(b) it **[**F210is satisfied**]** that it is appropriate to include the person in the list.

(4) A person falls within this sub-paragraph if he may—
(a) harm a vulnerable adult,
(b) cause a vulnerable adult to be harmed,
(c) put a vulnerable adult at risk of harm,

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(d) attempt to harm a vulnerable adult, or

(e) incite another to harm a vulnerable adult.

Textual Amendments

F204 Word in Sch. 3 paras. 8-11 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(f)(iv)** (with Pt. 4)

F208 Words in Sch. 3 para. 11(1)(a) substituted (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), **ss. 67(8)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F209 Sch. 3 para. 11(3)(aa) inserted (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), **ss. 67(8)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F210 Words in Sch. 3 para. 11(3)(b) substituted (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), **ss. 67(8)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(d) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

I183 Sch. 3 para. 11 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I184 Sch. 3 para. 11 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

Restriction on inclusion

12 (1) **[**[F211]DBS**]** must not include a person in the adults' barred list—

(a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or

(b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.

(2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of **[**[F211]DBS**]** .

(3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Textual Amendments

F211 Word in Sch. 3 para. 12 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(f)(vi)** (with Pt. 4)

Commencement Information

I185 Sch. 3 para. 12 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I186 Sch. 3 para. 12 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I187 Sch. 3 para. 12(1)(b)(2)(3) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(o)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

PART 3

SUPPLEMENTARY

Modifications etc. (not altering text)

C16 Sch. 3 Pt. 3 modified (7.4.2008) by The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008 (S.I. 2008/473), arts. 1(1), **4(5)**

C17 Sch. 3 Pt. 3 modified (7.4.2008) by The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008 (S.I. 2008/473), arts. 1(1), **2(5)**

Procedure

13 (1) **[**F212DBS**]** must ensure that in respect of any information it receives in relation to an individual from whatever source or of whatever nature it considers whether the information is relevant to its consideration as to whether the individual should be included in each barred list.

(2) Sub-paragraph (1) does not, without more, require **[**F212DBS**]** to give an individual the opportunity to make representations as to why he should not be included in a barred list.

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

Commencement Information

I188 Sch. 3 para. 13 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I189 Sch. 3 para. 13 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

14 When an individual is included in a barred list **[**F212DBS**]** must take all reasonable steps to notify the individual of that fact.

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

Commencement Information

I190 Sch. 3 para. 14 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I191 Sch. 3 para. 14 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

15 (1) The Secretary of State may, by regulations, make provision as to the procedure to be followed for the purposes of any decision **[**F212DBS**]** is required or authorised to take under this Schedule.

(2) Such provision may include provision as to the time within which anything is to be done.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

Commencement Information

I192 Sch. 3 para. 15 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I193 Sch. 3 para. 15(1)(2) in force at 31.12.2007 by S.I. 2007/3545, **art. 2(k)**

Representations

16 (1) A person who is, by virtue of any provision of this Schedule, given an opportunity to make representations must have the opportunity to make representations in relation to all of the information on which **[**F212DBS**]** intends to rely in taking a decision under this Schedule.

(2) Any requirement of this Schedule to give a person an opportunity to make representations does not apply if **[**F212DBS**]** does not know and cannot reasonably ascertain the whereabouts of the person.

(3) The opportunity to make representations does not include the opportunity to make representations that findings of fact made by a competent body were wrongly made.

(4) Findings of fact made by a competent body are findings of fact made in proceedings before **[**F213the Secretary of State in the exercise of the Secretary of State's functions under section 141B of the Education Act 2002, or in proceedings before**]** one of the following bodies or any of its committees—

F214(a) . . . . . .

(b) the General Teaching Council for Wales;

(c) the Council of the Pharmaceutical Society of Great Britain;

(d) the General Medical Council;

(e) the General Dental Council;

(f) the General Optical Council;

(g) the General Osteopathic Council;

(h) the General Chiropractic Council;

(i) the Nursing and Midwifery Council;

(j) **[**F215the Health and Care Professions Council**]**;

(k) the General Social Care Council;

[F216(l) Social Care Wales**]**

[F217(4A) The reference in sub-paragraph (4) to "any of its committees" is, in respect of Social Care Wales, to be read as if it were a reference to "any panel established under Part 8 of the Regulation and Inspection of Social Care (Wales) Act 2016".**]**

(5) The Secretary of State may by order amend sub-paragraph (4) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the sub-paragraph.

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Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

F213 Words in Sch. 3 para. 16(4) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 27(4)(a)**; S.I. 2012/924, art. 2

F214 Sch. 3 para. 16(4)(a) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 27(4)(b)**; S.I. 2012/924, art. 2

F215 Words in Sch. 3 para. 16(4)(j) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 56(e)**; S.I. 2012/1319, art. 2(4)

F216 Words in Sch. 3 para. 16(4)(l) substituted (3.4.2017) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 55(a)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

F217 Sch. 3 para. 16(4A) inserted (3.4.2017) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 55(b)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

Commencement Information

I194 Sch. 3 para. 16 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I195 Sch. 3 para. 16 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

I196 Sch. 3 para. 16(5) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(o)**

17 (1) This paragraph applies to a person who is included in a barred list (except a person included in pursuance of paragraph 1 or 7) if, before he was included in the list, **[**[F212]DBS**]** was unable to ascertain his whereabouts.

(2) This paragraph also applies to such a person if—

(a) he did not, before the end of any time prescribed for the purpose, make representations as to why he should not be included in the list, and

(b) **[**[F212]DBS**]** grants him permission to make such representations out of time.

(3) If a person to whom this paragraph applies makes such representations after the prescribed time—

(a) **[**[F212]DBS**]** must consider the representations, and

(b) if it thinks that it is not appropriate for the person to be included in the list concerned, it must remove him from the list.

(4) For the purposes of this paragraph, it is immaterial that any representations mentioned in sub-paragraph (3) relate to a time after the person was included in the list concerned.

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

Commencement Information

I197 Sch. 3 para. 17 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I198 Sch. 3 para. 17 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

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Review

18 (1) A person who is included in a barred list may apply to **[**[F212]DBS**]** for a review of his inclusion.

(2) An application for a review may be made only with the permission of **[**[F212]DBS**]** .

(3) A person may apply for permission only if—

(a) the application is made after the end of the minimum barred period, and

(b) in the prescribed period ending with the time when he applies for permission, he has made no other such application.

(4) **[**[F212]DBS**]** must not grant permission unless it thinks—

(a) that the person's circumstances have changed since he was included in the list or since he last applied for permission (as the case may be), and

(b) that the change is such that permission should be granted.

(5) On a review of a person's inclusion, if **[**[F212]DBS**]** is satisfied that it is no longer appropriate for him to be included in the list it must remove him from it; otherwise it must dismiss the application.

(6) The minimum barred period is the prescribed period beginning with such of the following as may be prescribed—

(a) the date on which the person was first included in the list;

(b) the date on which any criterion prescribed for the purposes of paragraph 1, 2, 7 or 8 is first satisfied;

(c) where the person is included in the list on the grounds that he has been convicted of an offence in respect of which a custodial sentence (within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)) was imposed, the date of his release;

(d) the date on which the person made any representations as to why he should not be included in the list.

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

Commencement Information

I199 Sch. 3 para. 18 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I200 Sch. 3 para. 18(1)(2)(3)(a)(4)(5) in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

I201 Sch. 3 para. 18(3)(b)(6) in force at 31.12.2007 by S.I. 2007/3545, **art. 2(k)**

[[F218]18A (1) Sub-paragraph (2) applies if a person's inclusion in a barred list is not subject to—

(a) a review under paragraph 18, or

(b) an application under that paragraph,

which has not yet been determined.

(2) **[**[F212]DBS**]** may, at any time, review the person's inclusion in the list.

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(3) On any such review, **[**F212DBS**]** may remove the person from the list if, and only if, it is satisfied that, in the light of—

(a) information which it did not have at the time of the person's inclusion in the list,

(b) any change of circumstances relating to the person concerned, or

(c) any error by **[**F212DBS**]** ,

it is not appropriate for the person to be included in the list.**]**

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

F218 Sch. 3 para. 18A inserted (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), **ss. 71**, 120 (with s. 97); S.I. 2012/2234, art. 2(h)

Information

19 (1) **[**F212DBS**]** may require—

(a) any person who holds records of convictions or cautions for the use of police forces generally to provide to it any relevant information relating to a person to whom any of paragraphs 1 to 5 or 7 to 11 applies **[**F219or appears to apply**]**;

(b) any person who holds such records to provide to it prescribed details of relevant matter (within the meaning of section 113A of the Police Act 1997 (c. 50)) relating to a person to whom any of those paragraphs **[**F220applies or appears to apply**]**;

(c) the **[**F221relevant chief officer**]** to provide to it any such relevant information;

F222(d) . . . . . .

(2) For the purposes of sub-paragraph (1)(a), relevant information relating to a person is information which the person holding the records **[**F223reasonably believes to**]** be relevant in relation to the regulated activity concerned.

(3) For the purposes of sub-paragraph (1)(c), relevant information relating to a person is information which the **[**F224relevant**]** chief officer **[**F223reasonably believes to**]** be relevant in relation to the regulated activity concerned.

(4) **[**F212DBS**]** must pay to the appropriate **[**F225local policing body**]** such fee as the Secretary of State thinks appropriate for information provided to IBB in accordance with sub-paragraph (1)(c).

(5) For the purpose of deciding under this Schedule whether or not a person is included in a barred list **[**F212DBS**]** must not take account of relevant police information if the **[**F226relevant chief officer**]** thinks that it would not be in the interests of the prevention or detection of crime to disclose the information to the person.

(6) In sub-paragraph (5) relevant police information is information F227... obtained by **[**F212DBS**]** in pursuance of sub-paragraph (1)(c) F228....

(7) In this paragraph—

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"caution" has the same meaning as in section 126 of the Police Act 1997 (c. 50);

[[F229] " the relevant chief officer " means any chief officer of a police force who is identified by **[**[F230]DBS**]** for the purposes of this paragraph; **]**

[[F231](7A) Subsections (10) and (11) of section 113B of the Police Act 1997 apply for the purposes of the definition of "the relevant chief officer" as they apply for the purposes of that section.**]**

[F232](8) . . . . . .

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

F219 Words in Sch. 3 para. 19(1)(a) inserted (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), ss. 70(1)(a)(i), 120 (with s. 97); S.I. 2012/2234, art. 2(g)

F220 Words in Sch. 3 para. 19(1)(b) substituted (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), ss. 70(1)(a)(ii), 120 (with s. 97); S.I. 2012/2234, art. 2(g)

F221 Words in Sch. 3 para. 19(1)(c) substituted (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. 9 para. 129(2)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)

F222 Sch. 3 para. 19(1)(d) 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), ss. 70(1)(a)(iii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(g)(bb)

F223 Words in Sch. 3 para. 19(2)(3) substituted (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), **ss. 70(1)(b)**, 120 (with s. 97); S.I. 2012/2234, art. 2(g)

F224 Word in Sch. 3 para. 19(3) inserted (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. 9 para. 129(3)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)

F225 Words in Sch. 3 para. 19(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 361**; S.I. 2011/3019, art. 3, Sch. 1

F226 Words in Sch. 3 para. 19(5) substituted (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. 9 para. 129(4)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)

F227 Words in Sch. 3 para. 19(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), ss. 70(1)(c)(i), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(g)(bb)

F228 Words in Sch. 3 para. 19(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), ss. 70(1)(c)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(g)(bb)

F229 Definition in Sch. 3 para. 19(7) substituted (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. 129(5)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)

F230 Word in Sch. 3 para. 19(7) 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), **48(i)** (with Pt. 4)

F231 Sch. 3 para. 19(7A) inserted (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. 9 para. 129(6)** (with s. 97); S.I. 2012/2234, art. 2(aa)(xiv)

F232 Sch. 3 para. 19(8) omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **60** (with Pt. 4)

Commencement Information

I202 Sch. 3 para. 19 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I203 Sch. 3 para. 19 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

I204 Sch. 3 para. 19(1)(b) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(v)**

20 (1) The Secretary of State may provide to **[**F212DBS**]** any information relating to a person which is held by him in connection with his functions under—

(a) the Protection of Children Act 1999 (c. 14), except section 9 (the Tribunal);

(b) Part 7 of the Care Standards Act 2000 (c. 14);

(c) sections 142 to 144 of the Education Act 2002 (c. 32).

F233(2) . . . . . .

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

F233 Sch. 3 para. 20(2) omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **61** (with Pt. 4)

Commencement Information

I205 Sch. 3 para. 20 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I206 Sch. 3 para. 20 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

21 **[**F212DBS**]** must provide the Secretary of State with the prescribed information relating to a person if—

(a) it includes that person in a barred list;

(b) it is considering whether to include him in a barred list;

(c) it thinks that any of the criteria prescribed for the purposes of paragraph 1, 2, 7 or 8 is satisfied in relation to him and that the Secretary of State does not already have the information.

Textual Amendments

F212 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

Commencement Information

I207 Sch. 3 para. 21 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I208 Sch. 3 para. 21 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(v)**

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I209 Sch. 3 para. 21(a) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

22 **[**[F234]DBS**]** must inform the Scottish Ministers if a person is included in a barred list.

Textual Amendments

F234 Word in Sch. 3 para. 22 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), **48(i)** (with Pt. 4)

Commencement Information

I210 Sch. 3 para. 22 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I211 Sch. 3 para. 22 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

[[F235]22A. **[**[F236]DBS**]** may provide the Scottish Ministers with such information as it thinks may be relevant to the exercise by the Scottish Ministers of their functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).**]**

Textual Amendments

F235 Sch. 3 para. 22A inserted (1.3.2011) by The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/565), arts. 1, **2**

F236 Word in Sch. 3 para. 22A 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(f)(viii)** (with Pt. 4)

23 **[**[F237]DBS**]** may, at the request of the Welsh Ministers, provide them with such information relating to the exercise of its functions as it thinks may be relevant to the exercise by the Welsh Ministers of any of their functions.

Textual Amendments

F237 Word in Sch. 3 para. 23 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(f)(viii)** (with Pt. 4)

Commencement Information

I212 Sch. 3 para. 23 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I213 Sch. 3 para. 23 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

Prescribed criteria

24 (1) The criteria which may be prescribed for the purposes of paragraphs 1, 2, 7 and 8 are—

(a) that a person has been convicted of, or cautioned in relation to, an offence of a specified description;

(b) that an order of a specified description requiring the person to do or not to do anything has been made against him;

(c) that a person is included in a specified list maintained for the purposes of a country or territory outside the United Kingdom;

(d) that an order or direction of a specified description requiring the person to do or not to do anything has been made against him for the purposes of a country or territory outside the United Kingdom.

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(2) The power to specify offences for the purposes of sub-paragraph (1) includes power to specify offences under—

[F238(a) the law of a country or territory outside England and Wales;**]**

(b) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);

(c) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);

(d) section 42 of the Naval Discipline Act 1957 (c. 53);

(e) section 42 of the Armed Forces Act 2006 (c. 52).

(3) The Secretary of State may specify a list for the purposes of sub-paragraph (1)(c) only if he thinks that inclusion in the list has a corresponding or similar effect to inclusion in a barred list.

(4) For the purposes of determining whether any of the criteria is satisfied in relation to a person, ignore—

(a) any offence committed before he attained the age of 18;

(b) any order or direction made before that time.

(5) The criteria which may be prescribed for the purposes of paragraph 1 or 2 must not consist only of circumstances in which the person has committed an offence against a child before the commencement of section 2 if the court, having considered whether to make a disqualification order, decided not to.

(6) In sub-paragraph (5)—

(a) the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000 (c. 43);

(b) a disqualification order is an order under section 28, 29 or 29A of that Act.

(7) For the purposes of sub-paragraph (4) an offence committed over a period of time must be treated as committed on the last day of the period.

F239(8) . . . . . .

F239(9) . . . . . .

[F240(10) For the purposes of sub-paragraph (2)(a) in its application to an offence committed outside the British Islands the Secretary of State must not specify the offence unless—

(a) the conduct which constitutes the offence would, if carried out in England and Wales, amount to an offence under the law of England and Wales (the equivalent offence), and

(b) the equivalent offence is also specified for the purposes of paragraph 1, 2, 7 or 8 (as the case may be).**]**

Textual Amendments

F238 Sch. 3 para. 24(2)(a) substituted (13.11.2008) by The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Foreign Offences) Order 2008 (S.I. 2008/3050), arts. 1(1), **2(2)**

F239 Sch. 3 para. 24(8)(9) 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. 9 para. 72(2), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

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F240 Sch. 3 para. 24(10) inserted (13.11.2008) by The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Foreign Offences) Order 2008 (S.I. 2008/3050), arts. 1(1), **2(3)**

Commencement Information

I214 Sch. 3 para. 24 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I215 Sch. 3 para. 24(1)(2)(9) in force at 31.12.2007 by S.I. 2007/3545, **art. 2(k)**

I216 Sch. 3 para. 24(3)-(7) in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

25 **[**F241(1)**]** A court by or before which a person is convicted of an offence of a description specified for the purposes of paragraph 24(1)(a), or which makes an order of a description specified for the purposes of paragraph 24(1)(b), must inform the person at the time he is convicted or the order is made that **[**F242DBS**]** will **[**F243or (as the case may be) may**]** include him in the barred list concerned.

[F244(2) This paragraph does not apply to convictions by or before a court in a country or territory outside England and Wales.**]**

Textual Amendments

F241 Sch. 3 para. 25(1): Sch. 3 para. 25 renumbered as Sch. 3 para. 25(1) (13.11.2008) by The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Foreign Offences) Order 2008 (S.I. 2008/3050), arts. 1(1), **3(2)**

F242 Word in Sch. 3 para. 25 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(f)(ix)** (with Pt. 4)

F243 Words in Sch. 3 para. 25(1) inserted (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. 9 para. 72(3)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iv)

F244 Sch. 3 para. 25(2) inserted (13.11.2008) by The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Foreign Offences) Order 2008 (S.I. 2008/3050), arts. 1(1), **3(3)**

Commencement Information

I217 Sch. 3 para. 25 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I218 Sch. 3 para. 25 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(k)**

SCHEDULE 4

Section 5

REGULATED ACTIVITY

PART 1

REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

1 (1) An activity is a regulated activity relating to children if—

(a) it is mentioned in paragraph 2(1), and

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(b) **[**[F245]except in the case of activities falling within sub-paragraph (1A),**]** it is carried out frequently by the same person or the period condition is satisfied.

[[F246](1A) The following activities fall within this sub-paragraph—

(a) relevant personal care, and

(b) health care provided by, or under the direction or supervision of, a health care professional.

(1B) In this Part of this Schedule " relevant personal care " means—

(a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),

(b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—

(i) toileting (including in relation to the process of menstruation),

(ii) washing or bathing, or

(iii) dressing,

(c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,

(d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,

(e) any form of training, instruction, advice or guidance which—

(i) relates to the performance of the activity of eating or drinking,

(ii) is given to a child who is in need of it by reason of illness or disability, and

(iii) does not fall within paragraph (c), or

(f) any form of training, instruction, advice or guidance which—

(i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),

(ii) is given to a child who is in need of it by reason of age, illness or disability, and

(iii) does not fall within paragraph (d).

(1C) In this Part of this Schedule —

" health care " includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

" health care professional " means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.**]**

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(2) An activity is a regulated activity relating to children if—

(a) it is carried out frequently by the same person or the period condition is satisfied,

(b) it is carried out in an establishment mentioned in paragraph 3(1),

(c) it is carried out by a person while engaging in **[**[F247]any work falling within sub-paragraph (2A) or (2B)**]**,

(d) it is carried out for or in connection with the purposes of the establishment, and

(e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.

[[F248](2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—

(a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and

(b) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)).

(2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—

(a) any such work which—

(i) is carried out on a temporary or occasional basis, and

(ii) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)), or

(b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(2C) The reference in subsection (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.**]**

(3) Each of the following, if carried out in England, is a regulated activity relating to children—

(a) providing early years childminding in respect of which a requirement to register arises by section 33(1) of the Childcare Act 2006 (c. 21) (requirement to register);

(b) providing later years childminding in respect of which a requirement to register arises by section 52(1) of that Act (requirement to register);

(c) providing early years childminding or later years childminding, if it is provided by a person who is registered by virtue of section 62(1) of that Act (voluntary registration of childminders);

(d) providing later years childminding for a child who has attained the age of eight, if a requirement to register would arise in respect of that provision by section 52(1) of that Act if the child had not attained that age.

(4) Any expression used both in sub-paragraph (3) and in Part 3 of the Childcare Act 2006 has the meaning given by that Act.

(5) It is a regulated activity relating to children to foster a child (as mentioned in section 53).

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(6) Each of the following, if carried out in Wales, is a regulated activity relating to children—

(a) acting as a child minder so as to give rise to a requirement to register under **[**F249section 21 of the Children and Families (Wales) Measure 2010**]**;

(b) an activity which would give rise to such a requirement if the child in relation to whom the activity is carried out were under the age of eight **[**F250(or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010)**]**.

(7) For the purposes of sub-paragraph (6), "acting as a child minder" must be construed in accordance with **[**F251section 19 of the Children and Families (Wales) Measure 2010**]**.

F252(8) . . . . . .

(9) The exercise of a function of **[**F253the Children's Commissioner for Wales or the deputy Children's Commissioner for Wales**]** is a regulated activity relating to children.

[F254(9A) The exercise of a function so far as the function—

(a) relates to any of the matters mentioned in sub-paragraph (9B),

(b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children, and

(c) is not a function which falls within sub-paragraph (9C),

is a regulated activity relating to children.

(9B) The matters in this sub-paragraph are—

F255(a) . . . . . .

(b) the exercise of a power under **[**F256 section 41 or 42 of the Children and Families (Wales) Measure 2010 **]** (powers of inspection etc on entry onto childminding or day care premises in Wales or premises on which childminding or day care is suspected to be taking place);

(c) any step taken **[**F257in relation to Wales**]** for the purposes of section 87(3) of **[**F258the Children Act 1989**]** (welfare of children in boarding schools and colleges);

(d) an inspection **[**F259in Wales**]** under section 87(6) of that Act (inspection of boarding school or college);

(e) any step taken **[**F260in relation to Wales**]** by a person appointed under section 87A(1) of that Act (appointment as an inspector of boarding schools and colleges)—

(i) for the purposes of an agreement made in accordance with section 87A(2) of that Act, or

(ii) in order to comply with any requirement imposed on the person under section 87B of that Act;

(f) an inspection under section F261 ... 18C of the Education Act 1994 (inspection of teacher training);

(g) an inspection under section 38 of the Education Act 1997 (inspection of local education authorities in Wales);

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[F262(h) an inspection in Wales under section 33 of the Regulation and Inspection of Social Care (Wales) Act 2016 (inspections of regulated care and support services) of a residential family centre service, a fostering service, or an adoption service (each of which has the meaning given in Schedule 1 to that Act);**]**

(i) an inspection under Part 4 of the Learning and Skills Act 2000 (inspection of education and training within the remit of Her Majesty's Chief Inspector of Education and Training in Wales);

(j) a review or investigation under section 94 of the Health and Social Care (Community Health and Standards) Act 2003 (review or investigation of the discharge of social services functions by local authorities in Wales);

(k) a review or investigation under section 94 of that Act as applied by section 30 of the Children Act 2004 (review or investigation of the functions of children's services authorities in Wales);

(l) an inspection under section 28 of the Education Act 2005 (duty of Her Majesty's Chief Inspector of Education and Training in Wales to arrange regular inspections of certain schools);

(m) an inspection under section F263 ... 50 of that Act (inspection of religious education);

(n) an inspection **[**F264in Wales**]** under section 51 of that Act (power of local education authorities to inspect maintained school for specific purpose);

(o) an inspection under section 55 of that Act (inspection of careers services in Wales);

F265(p) . . . . . .

F265(q) . . . . . .

F265(r) . . . . . .

F265(s) . . . . . .

F265(t) . . . . . .

(9C) The exercise of a function to which sub-paragraph (10) applies so far as the function—

(a) relates to the inspection of an establishment mentioned in paragraph 3(1), and

(b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,

is a regulated activity relating to children.**]**

(10) **[**F266This sub-paragraph applies to a function of**]**—

F267(a) . . . . . .

(b) HM Chief Inspector of Education and Training in Wales;

[F268(ba) a body approved under section 106 of the Education and Skills Act 2008 (bodies approved to inspect registered independent educational institutions in England);**]**

(c) a body approved in pursuance of section 163(1)(b) of the Education Act 2002 (c. 32) to inspect a registered independent school **[**F269in Wales**]** ;

F270(d) . . . . . .

F270(e) . . . . . .

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F271(f) . . . . . .

(g) the **[**F272Welsh Ministers**]**.

[F273(11) The exercise of a function of the Welsh Ministers so far as the function—

(a) relates to the inspection of an establishment, agency **[**F274, service provider**]** or body falling within sub-paragraph (12), and

(b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,

is a regulated activity relating to children.**]**

(12) An establishment, agency **[**F275, service provider**]** or body falls within this sub-paragraph if it is—

(a) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14),

(b) an agency in relation to which such a requirement arises, F276...

[F277(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,**]**

(c) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),

and it provides any form of treatment or therapy for children.

F278(12A) . . . . . .

(13) In sub-paragraph (12)(c) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

F279(13A) . . . . . .

(14) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), **[**F280(9A), (9C) or (11)**]** is a regulated activity relating to children.

[F281(15) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph (2B)(b) above is a regulated activity relating to children.**]**

Textual Amendments

F245 Words in Sch. 4 para. 1(1)(b) inserted (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), **ss. 64(2)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F246 Sch. 4 para. 1(1A)-(1D) inserted (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), **ss. 64(3)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F247 Words in Sch. 4 para. 1(2)(c) substituted (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), **ss. 64(4)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

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F248 Sch. 4 para. 1(2A)-(2C) inserted (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), **ss. 64(5)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F249 Words in Sch. 4 para. 1(6)(a) substituted (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 28(a)**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 2Sch. 3)

F250 Words in Sch. 4 para. 1(6)(b) inserted (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 28(b)**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 2Sch. 3)

F251 Words in Sch. 4 para. 1(7) substituted (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), **ss. 64(6)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F252 Sch. 4 para. 1(8) 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), ss. 64(6)(b), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F253 Words in Sch. 4 para. 1(9) substituted (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), **ss. 64(6)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F254 Sch. 4 para. 1(9A)-(9C) inserted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **3(2)**

F255 Sch. 4 para. 1(9B)(a) 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), ss. 64(6)(d)(i), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F256 Words in Sch. 4 para. 1(9B)(b) substituted (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), **ss. 64(6)(d)(ii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F257 Words in Sch. 4 para. 1(9B)(c) inserted (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), **ss. 64(6)(d)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F258 Words in Sch. 4 para. 1(9B)(c) substituted (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), **ss. 64(6)(d)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F259 Words in Sch. 4 para. 1(9B)(d) inserted (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), **ss. 64(6)(d)(iv)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F260 Words in Sch. 4 para. 1(9B)(e) inserted (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), **ss. 64(6)(d)(v)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F261 Words in Sch. 4 para. 1(9B)(f) 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), ss. 64(6)(d)(vi), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F262 Sch. 4 para. 1(9B)(h) substituted (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 28(a)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

F263 Words in Sch. 4 para. 1(9B)(m) 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), ss. 64(6)(d)(viii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F264 Words in Sch. 4 para. 1(9B)(n) inserted (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), **ss. 64(6)(d)(ix)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F265 Sch. 4 para. 1(9B)(p)-(t) 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), ss. 64(6)(d)(x), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F266 Words in Sch. 4 para. 1(10) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **3(3)**

F267 Sch. 4 para. 1(10)(a) 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), ss. 64(6)(e), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F268 Sch. 4 para. 1(10)(ba) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 41(3)**; S.I. 2014/3364, art. 2(z)

F269 Words in Sch. 4 para. 1(10)(c) inserted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 41(4)**; S.I. 2014/3364, art. 2(z)

F270 Sch. 4 para. 1(10)(d)(e) 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), ss. 64(6)(e), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F271 Sch. 4 para. 1(10)(f) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 92(2)(b), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(bb), 36

F272 Words in Sch. 4 para. 1(10)(g) substituted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **30(c)**

F273 Sch. 4 para. 1(11) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **3(4)**

F274 Words in Sch. 4 para. 1(11)(a) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(a)

F275 Words in Sch. 4 para. 1(12) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(i)

F276 Word in Sch. 4 para. 1(12)(b) omitted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(ii)

F277 Sch. 4 para. 1(12)(ba) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 36(b)(iii)

F278 Sch. 4 para. 1(12A) 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), ss. 64(6)(f), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F279 Sch. 4 para. 1(13A) 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), ss. 64(6)(g), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F280 Words in Sch. 4 para. 1(14) substituted (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), **ss. 64(6)(h)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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F281 Sch. 4 para. 1(15) inserted (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), **ss. 64(6)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

Modifications etc. (not altering text)

C18 Sch. 4 para. 1(10)(c) modified (temp.) (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **29**

Commencement Information

I219 Sch. 4 para. 1 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I220 Sch. 4 para. 1 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I221 Sch. 4 para. 1 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

Activities

2 (1) The activities referred to in paragraph 1(1) are—

(a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;

(b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;

(c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;

F282(d) . . . . . .

(e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;

(f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.

(2) Sub-paragraph (1)(a), (b) **[**F283and (c)**]** do not include—

(a) teaching, training or instruction provided to a child in the course of his employment;

(b) care for or supervision of a child in the course of his employment;

(c) advice or guidance provided for a child in the course of his employment;

F284(d) . . . . . .

(3) Sub-paragraph (2) does not apply if—

(a) the child has not attained the age of 16, and

(b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.

[F285(3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(3B) Sub-paragraph (1)(b)—

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(a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and

(b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(3C) The references in subsections (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.

(3D) Sub-paragraph (1)(c) does not include any legal advice.**]**

(4) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to—

(a) monitoring the content of matter which forms any part of the service,

(b) removing matter from, or preventing the addition of matter to, the service, or

(c) controlling access to, or use of, the service.

(5) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has—

(a) access to the content of the matter;

(b) contact with users of the service.

(6) In sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so.

Textual Amendments

F282 Sch. 4 para. 2(1)(d) 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), ss. 64(7)(a), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F283 Words in Sch. 4 para. 2(2) substituted (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), **ss. 64(7)(b)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F284 Sch. 4 para. 2(2)(d) 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), ss. 64(7)(b)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F285 Sch. 4 para. 2(3A)-(3D) inserted (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), **ss. 64(7)(c)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

Commencement Information

I222 Sch. 4 para. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I223 Sch. 4 para. 2 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I224 Sch. 4 para. 2 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

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I225 Sch. 4 para. 2(1)(f) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(w)**

Establishments

3 (1) The establishments referred to in paragraph 1(2) and **[**F286(9C)**]** are—

(a) an educational institution which is exclusively or mainly for the provision of full-time education to children;

[F287(aa) a school falling within section 19(2) or (2B) of the Education Act 1996 (pupil referral units etc) which does not fall within sub-paragraph (1)(a); **]**

[F288(ab) an alternative provision Academy which does not fall within paragraph (a);**]**

(b) an establishment which is exclusively or mainly for the provision of nursery education (within the meaning of section 117 of the School Standards and Framework Act 1998 (c. 31));

F289(c) . . . . . .

(d) an institution which is exclusively or mainly for the detention of children;

[F290(da) premises in Wales at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;**]**

(e) a children's home **[**F291in England**]** (within the meaning of section 1 of the Care Standards Act 2000 (c. 14));

[F292(ea) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;**]**

(f) a home provided in pursuance of arrangements under section 82(5) of the Children Act 1989 (c. 41);

[F293(fa) a children's centre (within the meaning of section 5A(4) of the Childcare Act 2006);**]**

(g) relevant childcare premises.

(2) Relevant childcare premises are any part of premises on which a person carries on—

(a) any form of childcare (within the meaning of section 18 of the Childcare Act 2006 (c. 21)) in respect of which he must be registered under that Act;

(b) any form of such childcare in respect of which he may be registered under that Act, whether or not he is so registered;

(c) any form of **[**F294child minding or**]** day care **[**F295(within the meaning of section 19 of the Children and Families (Wales) Measure 2010)**]** in respect of which he must be registered under that Act.

[F296(3) But premises on which a person carries on childcare or child minding are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the childcare or child minding is provided.

(4) For the purposes of paragraph (3) "parent" includes any person who has parental responsibility for a child or who has care of a child.

(5) "Parental responsibility" has the same meaning as in the Children Act 1989.**]**

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Textual Amendments

F286 Word in Sch. 4 para. 3(1) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **4(a)**

F287 Sch. 4 para. 3(1)(aa) inserted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **4(b)**

F288 Sch. 4 para. 3(1)(ab) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, **Sch. para. 21(a)** (with art. 3)

F289 Sch. 4 para. 3(1)(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), ss. 64(8), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F290 Sch. 4 para. 3(1)(da) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 37(a)

F291 Words in Sch. 4 para. 3(1)(e) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 37(b)

F292 Sch. 4 para. 3(1)(ea) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 37(c)

F293 Sch. 4 para. 3(1)(fa) inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 200**, 269(2)

F294 Words in Sch. 4 para. 3(2)(c) inserted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **25(2)**

F295 Words in Sch. 4 para. 3(2)(c) substituted (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 28(c)**; S.I. 2010/2582, art. 2, Sch. 1 (with Schs. 2, 3)

F296 Sch. 4 para. 3(3)-(5) inserted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **25(3)**

Commencement Information

I226 Sch. 4 para. 3 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I227 Sch. 4 para. 3 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I228 Sch. 4 para. 3 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

F297 **...**

Textual Amendments

F297 Sch. 4 para. 4 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 Protection of Freedoms Act 2012 (c. 9), ss. 64(9), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(a)(bb) (with art. 4)

F297 4 . . . . . .

5 A person who is part of a group in relation to which another (P) engages in regulated activity relating to children does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this paragraph, would amount to engaging in regulated activity relating to children.

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Commencement Information

I229 Sch. 4 para. 5 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I230 Sch. 4 para. 5 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I231 Sch. 4 para. 5 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

[F298 Guidance

Textual Amendments

F298 Sch. 4 para. 5A and cross-heading inserted (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), **ss. 77(6)**, 120 (with s. 97); S.I. 2012/2234, art. 2(n)

5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.

(2) Before giving guidance under this paragraph, the Secretary of State must consult the Welsh Ministers.

(3) The Secretary of State must publish guidance given under this paragraph.

(4) A regulated activity provider or a personnel supplier must, in exercising any functions under this Act, have regard to guidance for the time being given under this paragraph.**]**

Exceptions

6 The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to children is not to be treated as a regulated activity.

Commencement Information

I232 Sch. 4 para. 6 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I233 Sch. 4 para. 6 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I234 Sch. 4 para. 6 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(p)**

I235 Sch. 4 para. 6 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

PART 2

REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

7 **[**F299(1) Each of the following is a regulated activity relating to vulnerable adults—

(a) the provision to an adult of health care by, or under the direction or supervision of, a health care professional,

(b) the provision to an adult of relevant personal care,

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(c) the provision by a social care worker of relevant social work to an adult who is a client or potential client,

(d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,

(e) any relevant assistance in the conduct of an adult's own affairs,

(f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,

(g) such activities—

(i) involving, or connected with, the provision of health care or relevant personal care to adults, and

(ii) not falling within any of the above paragraphs,

as are of a prescribed description.

(2) Health care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.

(3) A health care professional is a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(3A) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to an adult by any person acting on behalf of an organisation established for the purpose of providing first aid.

(3B) Relevant personal care means—

(a) physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with—

(i) eating or drinking (including the administration of parenteral nutrition),

(ii) toileting (including in relation to the process of menstruation),

(iii) washing or bathing,

(iv) dressing,

(v) oral care, or

(vi) the care of skin, hair or nails,

(b) the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the activities listed in paragraph (a) where the person is unable to make a decision in relation to performing such an activity without such prompting and supervision, or

(c) any form of training, instruction, advice or guidance which—

(i) relates to the performance of any of the activities listed in paragraph (a),

(ii) is given to a person who is in need of it by reason of age, illness or disability, and

(iii) does not fall within paragraph (b).

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(3C) Relevant social work has the meaning given by section 55(4) of the Care Standards Act 2000 and social care worker means a person who is a social care worker by virtue of section 55(2)(a) of that Act.

[F300(3CA) In relation to a vulnerable adult in Wales, relevant social work has the meaning given by section 79(4) of the Regulation and Inspection of Social Care (Wales) Act 2016, and social care worker means a person who is a social care worker by virtue of section 79(1)(a) of that Act.**]**

(3D) Assistance in relation to general household matters is day to day assistance in relation to the running of the household of the person concerned where the assistance is the carrying out of one or more of the following activities on behalf of that person—

(a) managing the person's cash,

(b) paying the person's bills,

(c) shopping.

(3E) Relevant assistance in the conduct of a person's own affairs is anything done on behalf of the person by virtue of—

(a) a lasting power of attorney created in respect of the person in accordance with section 9 of the Mental Capacity Act 2005,

(b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the person which is—

(i) registered in accordance with that Schedule, or

(ii) the subject of an application to be so registered,

(c) an order made under section 16 of that Act by the Court of Protection in relation to the making of decisions on the person's behalf,

(d) the appointment of an independent mental health advocate or (as the case may be) an independent mental capacity advocate in respect of the person in pursuance of arrangements under section 130A of the Mental Health Act 1983 or section 35 of the Mental Capacity Act 2005,

(e) the provision of independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006) in respect of the person, or

(f) the appointment of a representative to receive payments on behalf of the person in pursuance of regulations made under the Social Security Administration Act 1992.**]**

[F301(3EA) Relevant assistance in the conduct of a person's own affairs is also representing or supporting the person in pursuance of arrangements made under section 67 or 68 of the Care Act 2014 (independent advocacy support).**]**

F302(4) . . . . . .

(5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1) F303... is a regulated activity relating to vulnerable adults.

[F304(6) The exercise of an inspection function of the Welsh Ministers so far as the function gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with vulnerable adults, is a regulated activity relating to vulnerable adults.**]**

(7) **[**F305An inspection function is a function**]** relating to the inspection of—

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(a) a local authority (within the meaning of section 1 of the Local Authority Social Services Act 1970 (c. 42)) in the exercise of its social services functions (within the meaning of that Act),

(b) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000,

(c) an agency in relation to which such a requirement arises,

(d) a person to whom Part 2 of that Act applies in pursuance of **[**F306regulations**]** under section 42 of that Act,

[F307(da) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,**]**

(e) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003, or

(f) any person, other than a local authority, providing F308... Welsh local authority social services within the meaning of that section,

in so far as the inspection relates to social services, care, treatment or therapy provided for vulnerable adults by the establishment, agency, person or body.

(8) In sub-paragraph (7)(e) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

F309(8A) . . . . . .

(9) The exercise of a function of **[**F310the Commissioner for older people in Wales or the deputy Commissioner for older people in Wales**]** is a regulated activity relating to vulnerable adults.

(10) A person who is part of a group in relation to which another (P) engages in regulated activity relating to vulnerable adults does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this sub-paragraph, would amount to engaging in regulated activity relating to vulnerable adults.

Textual Amendments

F299 Sch. 4 para. 7(1)-(3E) substituted for Sch. 4 para. 7(1)-(3) (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), **ss. 66(2)**, 120 (with s. 97); S.I. 2012/2234, art. 2(c) (with art. 4)

F300 Sch. 4 para. 7(3CA) inserted (3.4.2017) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 56(b)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

F301 Sch. 4 para. 7(3EA) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 87** (with arts. 1(3), 3)

F302 Sch. 4 para. 7(4) 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), ss. 66(3), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

F303 Words in Sch. 4 para. 7(5) 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), ss. 66(4), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

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F304 Sch. 4 para. 7(6) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **7(2)**

F305 Words in Sch. 4 para. 7(7) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **7(3)**

F306 Word in Sch. 4 para. 7(7)(d) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **9**

F307 Sch. 4 para. 7(7)(da) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 38

F308 Words in Sch. 4 para. 7(7)(f) 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), ss. 66(5), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

F309 Sch. 4 para. 7(8A) 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), ss. 66(6), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

F310 Words in Sch. 4 para. 7(9) substituted (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), **ss. 66(7)**, 120 (with s. 97); S.I. 2012/2234, art. 2(c) (with art. 4)

Commencement Information

I236 Sch. 4 para. 7 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I237 Sch. 4 para. 7 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I238 Sch. 4 para. 7 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

F311 8 . . . . . .

Textual Amendments

F311 Sch. 4 para. 8 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), ss. 66(8), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

9 The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to vulnerable adults is not to be treated as a regulated activity.

Commencement Information

I239 Sch. 4 para. 9 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I240 Sch. 4 para. 9 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I241 Sch. 4 para. 9 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(p)**

I242 Sch. 4 para. 9 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

PART 3

THE PERIOD CONDITION

10 (1) The period condition is satisfied if the person carrying out the activity does so at any time on more than **[**F312three**]** days in any period of 30 days.

(2) In relation to an activity that falls within paragraph 2(1)(a), (b) **[**F313or (c)**]**F314..., the period condition is also satisfied if—

(a) the person carrying out the activity does so at any time between 2 a.m. and 6 a.m, and

(b) the activity gives the person the opportunity to have face-to-face contact with children F315... .

Textual Amendments

F312 Word in Sch. 4 para. 10(1) substituted (31.3.2010) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154), arts. 1(1), **10**

F313 Words in Sch. 4 para. 10(2) substituted (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), **ss. 64(10)**, 120 (with s. 97); S.I. 2012/2234, art. 2(a) (with art. 4)

F314 Words in Sch. 4 para. 10(2) 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), ss. 66(9)(a), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

F315 Words in Sch. 4 para. 10(2)(b) 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), ss. 66(9)(b), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(c)(bb) (with art. 4)

Commencement Information

I243 Sch. 4 para. 10 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**

I244 Sch. 4 para. 10 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I245 Sch. 4 para. 10 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**

F316SCHEDULE 5

Section 11

. . . . . .

Textual Amendments

F316 Sch. 5 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. 9 para. 51, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

[F317]SCHEDULE 6

Section 12

EMPLOYMENT BUSINESSES: FAILURE TO CHECK

Textual Amendments

F317 Sch. 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. 9 para. 52, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Offences

PROSPECTIVE

... .

2 . . . . . .

PROSPECTIVE

F317...

... .

PROSPECTIVE

F317...

... .

Power to amend paragraph 2(1)(c)

5 . . . . . .

PROSPECTIVE

F317.....

... .

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

SCHEDULE 7

Section 30

[F318BARRING INFORMATION]

Textual Amendments

F318 Words in Sch. 7 heading substituted (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. 9 para. 73(4)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iv)

1 This is the table referred to in [F319sections 30A and 30B]—

Column 1	*Column 2*
1. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to children	Children
2. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to vulnerable adults	Vulnerable adults
F320	F320
. . .	. . .
F320	F320
. . .	. . .
5. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to children	Children
6. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to vulnerable adults	Vulnerable adults
F321	F321
. . .	. . .
F321	F321
. . .	. . .
9. Person who has parental responsibility for a child and is considering whether B is suitable to engage in regulated activity in relation to the child, but not if B is permitted to do so by an independent regulated activity provider	Children

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

10. Parent who is considering whether B should be a private foster parent (within the meaning of section 53) in relation to his child	Children
11. Person (except the parent of a child to be fostered) making or who has made arrangements for another to foster a child who is considering whether B is suitable to live in premises in which the child is fostered	Children
12. Local authority (within the meaning of the Children Act 1989) in the exercise of functions under section 67 of that Act considering whether B is suitable — (a) to foster a child privately (within the meaning of that Act); (b) to live in premises in which a child is so fostered	Children
13. Person who is considering whether B is suitable to engage in regulated activity in relation to a vulnerable adult who is a friend or family member of the person, but not if B is permitted to do so by an independent regulated activity provider	Vulnerable adults
14. Person who carries on an adult placement scheme and is considering whether B is suitable to live in premises in which an adult is provided with accommodation as part of the scheme	Vulnerable adults
15. Person who is permitting, or considering whether to permit, B to have access to health or educational records relating to a child	Children
16. Person who is permitting, or considering whether to permit, B to have access to health records relating to vulnerable adults	Vulnerable adults
F322	Children
. . .	
18. Person who is permitting, or is considering whether to permit, B to engage in an activity in respect of which financial resources are provided pursuant to **[**[F323]section **F324**	Children

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

... 100 of the Apprenticeships, Skills, Children and Learning Act 2009 **[**F325, section 14 of the Education Act 2002**]** or section**]** 34(1) of the Learning and Skills Act 2000 (c. 21), if engaging in the activity gives B the opportunity to have contact with children	
F326 . . .	F326 . . .
[F327 19. The **[**F328DBS**]** in relation to members and employees and prospective members and employees of the **[**F328DBS**]]**	**[**F327Children and vulnerable adults**]**

Textual Amendments

F319 Words in Sch. 7 para. 1 substituted (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. 9 para. 73(2)(a)** (with s. 97); S.I. 2012/2234, art. 2(aa)(iv)

F320 Sch. 7 para. 1 entries 3, 4 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. 9 para. 73(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

F321 Sch. 7 para. 1 entries 7, 8 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. 9 para. 73(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

F322 Sch. 7 para. 1 entry 17 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. 9 para. 73(2)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

F323 Words in Sch. 7 para. 1 substituted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 71** (with art. 2(3))

F324 Words in Sch. 7 para. 1 omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 16 para. 38(a)**; S.I. 2012/924, art. 2

F325 Words in Sch. 7 para. 1 inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 16 para. 38(b)**; S.I. 2012/924, art. 2

F326 Sch. 7 para. 1 entry 19 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), ss. 72(4), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(i)(bb)

F327 Sch. 7 para. 1 new entry 19 inserted (10.9.2012) by The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2012 (S.I. 2012/2113), arts. 1(2), **8**

F328 Word in Sch. 7 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(g)** (with Pt. 4)

Commencement Information

I246 Sch. 7 para. 1 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(z)**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

2 The Secretary of State may by order amend **[**F329this Schedule**]**.

Textual Amendments

F329 Words in Sch. 7 para. 2 substituted (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), **ss. 72(5)**, 120 (with s. 97); S.I. 2012/2234, art. 2(i)

Commencement Information

I247 Sch. 7 para. 2 in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(s)**

PROSPECTIVE

3 (1) In entries 1 and 5 in the table the reference to regulated activity must be construed by disregarding sub-paragraph (2) of paragraph 2 of Schedule 4 if the activity—

(a) relates to a child who has not attained the age of 16, or

F330(b) . . . . . .

(2) In entries **[**F3311, 5 and 9**]** in the table the reference to regulated activity includes a reference to an activity which would be a regulated activity if—

(a) it were carried out frequently, or

(b) it were not merely incidental to another activity.

F332(3) . . . . . .

Textual Amendments

F330 Sch. 7 para. 3(1)(b) 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), ss. 72(6), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(i)(bb)

F331 Words in Sch. 7 para. 3(2) substituted (10.9.2012) by The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2012 (S.I. 2012/2113), arts. 1(2), **9**

F332 Sch. 7 para. 3(3) 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. 9 para. 73(3), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

PROSPECTIVE

4 Parental responsibility has the same meaning as in the Children Act 1989 (c. 41).

PROSPECTIVE

5 A regulated activity provider is an independent regulated activity provider unless it is a company wholly owned by B.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

PROSPECTIVE

6 An adult placement scheme is a scheme—

(a) under which an individual agrees with the person carrying on the scheme to provide accommodation, in the home in which the individual ordinarily resides, to an adult who is in need of it, and

(b) in respect of which a requirement to register **[**F333arises—

(i) in relation to England, under section 10 of the Health and Social Care Act 2008, F334...

F335(ii) . . . . . .**]**

Textual Amendments

F333 Words in Sch. 7 para. 6(b) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 19(6)**

F334 Word in Sch. 7 para. 6(b) omitted (29.4.2019) by virtue of The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019 (S.I. 2019/772), regs. 1(2), **28(b)(i)**

F335 Sch. 7 para. 6(b)(ii) omitted (29.4.2019) by virtue of The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019 (S.I. 2019/772), regs. 1(2), **28(b)(ii)**

SCHEDULE 8

Section 62

TRANSITIONAL PROVISIONS

*Advice by **[**F336DBS**]***

Textual Amendments

F336 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 **[**F337DBS**]** 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.

Textual Amendments

F337 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)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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

I248 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—

(a) requiring **[**F338DBS**]** to include the person in the children's barred list;

(b) requiring **[**F338DBS**]** to consider including the person in the children's barred list;

(c) as to circumstances in which the person may make representations to **[**F338DBS**]** 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 **[**F338DBS's**]** consideration of any matter relating to the person.

(3) An order under this paragraph may contain provision—

F339(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;

F339(c) . . . . . .

(d) for the Welsh Ministers to prescribe the procedure in relation to an application as mentioned in paragraph (b).

(4) In sub-paragraph **[**F340(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 **[**F341(3)(d)**]** as they apply to power to make regulations under this Act.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

Textual Amendments

F338 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)

F339 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

F340 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

F341 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

I249 Sch. 8 para. 2 in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(h)**

I250 Sch. 8 para. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(q)**

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 **[**F342DBS**]** to include the person in the adults' barred list;

(b) requiring **[**F342DBS**]** to consider including the person in the adults' barred list;

(c) as to circumstances in which the person may make representations to **[**F342DBS**]** 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 **[**F342DBS's**]** consideration of any matter relating to the person.

Textual Amendments

F342 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

I251 Sch. 8 para. 3 in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(h)**

I252 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.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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

I253 Sch. 8 para. 4 in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(h)**

I254 Sch. 8 para. 4 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(q)**

F343 ...

Textual Amendments

F343 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 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)

F3435 . . . . . .

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);".

Commencement Information

I255 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.

Commencement Information

I256 Sch. 9 para. 2 in force at 17.12.2008 for specified purposes by S.I. 2008/3204, **art. 2(c)**

I257 Sch. 9 para. 2 in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(l)**(3)(h)

I258 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.**

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

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

Commencement Information
I259 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),".

Commencement Information
I260 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;

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Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

(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;".

Commencement Information

I261 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.**

I262 Sch. 9 para. 5(1) in force at 17.12.2008 for specified purposes by S.I. 2008/3204, **art. 2(b)(iii)**

I263 Sch. 9 para. 5(1) in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(l)**(3)(c)

I264 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)**

I265 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)(l)**(3)(a)

I266 Sch. 9 para. 5(4) in force at 17.12.2008 for specified purposes by S.I. 2008/3204, **art. 2(b)(ii)**

I267 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)(l)**(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 ".

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Commencement Information

I268 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.**
I269 Sch. 9 para. 6(1) in force at 17.12.2008 for specified purposes by S.I. 2008/3204, **art. 2(b)(vi)**
I270 Sch. 9 para. 6(1) in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(l)**(3)(f)
I271 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)**
I272 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)(l)**(3)(d)
I273 Sch. 9 para. 6(4) in force at 17.12.2008 for specified purposes by S.I. 2008/3204, **art. 2(b)(v)**
I274 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 ".

Commencement Information

I275 Sch. 9 para. 7 in force at 17.12.2008 for specified purposes for E. by S.I. 2008/3204, **art. 2(b)(vii)**
I276 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)
I277 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) ".

Commencement Information

I278 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.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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
I279 Sch. 9 para. 9 in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

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);".

Commencement Information
I280 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), ">.

Commencement Information
I281 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—

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 20 April 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)*

"(3A) A person shall not foster a child privately if—

(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."

Commencement Information

I282 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) ">.

Commencement Information

I283 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."

F344(5) . . . . . .

F344(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.";

F345(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)."

Textual Amendments

F344 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)

F345 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)

C19 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)

C20 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)

C21 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

I284 Sch. 9 para. 14 in force at 12.10.2009 for N.I. by S.I. 2009/2611, art. 2, **Sch.**

I285 Sch. 9 para. 14(1)(4) in force at 22.6.2009 for specified purposes by S.I. 2009/1503, **art. 2(a)**

I286 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)

I287 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)

Data Protection Act 1998 (c. 29)

15 (1) The Data Protection Act 1998 is amended as follows.

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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(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."

Commencement Information

I288 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)."

Commencement Information

I289 Sch. 9 para. 16 in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**

SCHEDULE 10

Section 63

REPEALS

Modifications etc. (not altering text)

C22 Sch. 10 extended in part (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(4), 6-8)

Status: *Point in time view as at 02/04/2018. This version of this Act contains provisions that are prospective.*
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C23 Sch. 10 extended in part (Isle of Man) (with modifications) (18.3.2010) by The Police Act 1997 (Criminal Records) (Isle of Man) Order 2010 (S.I. 2010/764), art. 4reg. 1(2), Sch. 2, **Sch. 3** (with arts. 1(4), 6-8)

C24 Sch. 10 extended in part (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(4), 6-8)

Commencement Information

I290 Sch. 10 in force at 12.10.2009 for specified purposes by S.I. 2009/2611, art. 2, **Sch.** (with arts. 3-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

I291 Sch. 10 in force at 12.10.2009 for specified purposes by S.I. 2009/2610, **art. 2(b)** (with arts. 4-23)

I292 Sch. 10 in force at 30.3.2010 for specified purposes by S.I. 2010/1101, **art. 5**

I293 Sch. 10 in force at 17.6.2013 for specified purposes by S.I. 2012/2231, **art. 4(b)** (with art. 5) (see S.I. 2013/1180, art. 2(b))

Short title and chapter	*Extent of repeal*
Children Act 1989 (c. 41)	In Schedule 9A, in paragraph 4(2), paragraphs (a) and (b)
Police Act 1997 (c. 50)	Sections 113C to 113F
Teaching and Higher Education Act 1998 (c. 30)	Section 2(4) In section 3(3), paragraph (a) Section 15(4)
Protection of Children Act 1999 (c. 14)	Sections 1 to 4C and 7 In section 9(1), the words from "which shall exercise" to the end In section 9(2), paragraphs (a), (b) and (e) Section 9(3A) In section 12, all the definitions in subsection (1) except the definition of "prescribed", and subsections (2) to (3A) Section 13
Care Standards Act 2000 (c. 14)	Sections 80 to 89, 91 to 99 and 101 In Schedule 4, in paragraph 26, both of the sub-paragraphs numbered (2) and sub-paragraph (4)
Criminal Justice and Court Services Act 2000 (c. 43)	Sections 24 and 26 to 38 In section 42(1), the definition of "disqualification order" Schedule 4 In Schedule 7, paragraphs 155, 157 and 158
Education Act 2002 (c. 32)	Sections 142 to 144 In Schedule 21, paragraphs 75, 76(b), 86(2), 121, 122(a), 123 and 128
Adoption and Children Act 2002 (c. 38)	In Schedule 3, paragraph 94
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	Section 189(1) to (3) In Schedule 9, paragraph 14
Criminal Justice Act 2003 (c. 44)	Section 299 Schedule 30

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Children Act 2004 (c. 31)	Section 39 In Schedule 1, paragraph 11 In Schedule 2, paragraphs 6 and 7
Civil Partnership Act 2004 (c. 33)	In Schedule 21, paragraph 49A
Constitutional Reform Act 2005 (c. 4)	In Schedule 11, paragraph 35
Inquiries Act 2005 (c. 12)	In Schedule 2, paragraphs 18 and 19
Serious Organised Crime and Police Act 2005 (c. 15)	Schedule 14, paragraph 2
Childcare Act 2006 (c. 21)	In section 75(3), paragraphs (a) and (b)

Status:
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Changes to legislation:
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