
Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Terms of appointment of members is up to date with all changes known to be in force on or before 09 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) [View outstanding changes](#)

SCHEDULES

SCHEDULE 8

DISCLOSURE AND BARRING SERVICE

Terms of appointment of members

- 2 (1) Subject as follows, an appointed member holds and vacates office in accordance with the terms of appointment.
- (2) A period of appointment may not exceed 5 years.
- (3) An appointed member may resign by giving notice in writing to the Secretary of State.
- (4) The Secretary of State may by notice in writing remove an appointed member who—
- (a) has, without reasonable excuse, failed, for a continuous period of three months, to carry out the person's functions,
 - (b) has been convicted (whether before or after the person's appointment) of a criminal offence,
 - (c) is an undischarged bankrupt, or whose estate has been sequestrated and the person has not been discharged,
 - (d) is a person in relation to whom a moratorium period, under a debt relief order made under Part 7A of the Insolvency Act 1986 or Part 7A of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)), applies,
 - (e) is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 or an order to similar effect made under any corresponding enactment in force in Scotland or Northern Ireland,
 - (f) is the subject of a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989,
 - (g) has made a composition or arrangement with, or granted a trust deed for, the person's creditors,
 - (h) has failed to comply with the terms of the person's appointment, or
 - (i) is otherwise unable or unfit to carry out the person's functions.
- (5) A person who ceases to be an appointed member is eligible for re-appointment unless the cessation is by virtue of sub-paragraph (4).

Commencement Information

II Sch. 8 para. 2 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)