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STATUTORY INSTRUMENTS

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**2012 No. 3006**

**CHILDREN AND YOUNG  
PERSONS, ENGLAND AND WALES  
CHILDREN AND YOUNG  
PERSONS, NORTHERN IRELAND  
POLICE, ENGLAND AND WALES  
PROTECTION OF VULNERABLE  
ADULTS, ENGLAND AND WALES  
PROTECTION OF VULNERABLE  
ADULTS, NORTHERN IRELAND**

The Protection of Freedoms Act 2012 (Disclosure and  
Barring Service Transfer of Functions) Order 2012

*Made - - - - 29th November 2012*

*Coming into force 1st December 2012*

**THE PROTECTION OF FREEDOMS ACT 2012 (DISCLOSURE AND  
BARRING SERVICE TRANSFER OF FUNCTIONS) ORDER 2012**

PART 1

Introduction

1. Citation, commencement, extent and interpretation

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART 2

### Transfer of the Independent Safeguarding Authority's functions

#### CHAPTER 1

##### Transfer of ISA's functions

2. Transfer of ISA's functions

#### CHAPTER 2

##### Consequential amendments to the principal enactments

3. Consequential amendments to the 2006 Act
4. In section 2 omit "establish and".
5. In section 60(1) after the definition of "the children's barred...
6. Consequential amendments to the 2007 Order
7. For Article 5 substitute— Disclosure and Barring Service In this Order references to DBS are references to the...
8. In Article 6 omit "establish and".
9. Consequential amendments to the 2008 Northern Ireland Transitional Provisions Order
10. In the following provisions of the 2008 Northern Ireland Transitional...
11. Consequential amendments to the 2008 Transitional Provisions Order
12. In the following provisions of the 2008 Transitional Provisions Order...

#### CHAPTER 3

##### Consequential amendments to other enactments

13. Consequential amendments to other enactments
14. Consequential amendment to the Parliamentary Commissioner Act 1967
15. Consequential amendment to the Superannuation Act 1972
16. Consequential amendment to the Data Protection Act 1998
17. Consequential amendment to the Freedom of Information Act 2000
18. Consequential amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
19. In article 3(a)(ii) for "40, 43 or 44" substitute "38,...
20. (1) Part II of Schedule 1 is amended as follows....
21. Consequential amendments to the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001
22. In regulation 9(1)(c)— (a) for "Independent Barring Board, established under...
23. In regulation 9(1)(c), in the Welsh language text of those...
24. Consequential amendments to the Education (Supply of Information) (Wales) Regulations 2009
25. In regulation 1(3) for "Independent Barring Board" substitute "Disclosure and...
26. In regulation 1(3), in the Welsh language text of those...
27. Consequential amendments to the Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010
28. In article 2 for the definition of "Independent Safeguarding Authority"...

29. In articles 18, 19 and 20, and the subject heading...
30. Consequential amendments to the Family Procedure Rules 2010
31. Consequential amendments to the Fostering Services (England) Regulations 2011
32. In regulation 2(1) for ““Independent Safeguarding Authority” has the meaning...
33. In Schedule 7 for “Independent Safeguarding Authority” substitute “Disclosure and...

## CHAPTER 4

### Supplemental provisions

34. Further references to ISA and DBS
35. Any reference to the Disclosure and Barring Service which arises...

## PART 3

### Transfer of the Secretary of State’s functions

## CHAPTER 1

### Transfer of the Secretary of State’s functions under Part 5 of the 1997 Act

36. Amendment of Part 5 of the 1997 Act
37. In the following provisions for “the Secretary of State” and...
38. In section 113A(5)— (a) in paragraph (a) for “his” substitute...
39. In section 113B— (a) in subsection (7) for “his” substitute...
40. In section 117(2) for “he” in both places where it...
41. In section 118— (a) in subsection (1) for “he” substitute...
42. In section 119— (a) in subsection (1) for “him” substitute...
43. In section 120(2)(a) for “him” substitute “it”.
44. In section 120A(1) for “him” substitute “it”.
45. In section 120AB— (a) in subsection (1) for “his” substitute...
46. In section 122(3B) for “he” substitute “it”.
47. In section 126(1) after the definition of “chief officer” insert—...

## CHAPTER 2

### Transfer of the Secretary of State’s functions under the 2006 Act

48. In the following provisions of the 2006 Act for “the...

## CHAPTER 3

### Transfer of the Secretary of State’s functions under the 2007 Order

49. In the following provisions of the 2007 Order for “the...

## CHAPTER 4

### Consequential amendments to the 1997 Act, the 2006 Act and the 2007 Order

50. Consequential amendments to the 1997 Act in England and Wales

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51. Omit section 122A of the 1997 Act.
52. Consequential amendments to the 1997 Act in Northern Ireland
53. In section 126A of the 1997 Act omit—
54. Consequential amendments to the 2006 Act
55. Schedule 3 to the 2006 Act is amended as follows....
56. For sub-paragraphs (2) and (3) of paragraph 1 substitute—
57. For sub-paragraphs (2) and (3) of paragraph 2 substitute—
58. For sub-paragraphs (2) and (3) of paragraph 7 substitute—
59. For sub-paragraphs (2) and (3) of paragraph 8 substitute—
60. Omit paragraph 19(8).
61. Omit paragraph 20(2).
62. Consequential amendments to the 2007 Order
63. Schedule 1 to the 2007 Order is amended as follows....
64. For sub-paragraphs (2) and (3) of paragraph 1 substitute—
65. For sub-paragraphs (2) and (3) of paragraph 2 substitute—
66. For sub-paragraphs (2) and (3) of paragraph 7 substitute—
67. For sub-paragraphs (2) and (3) of paragraph 8 substitute—
68. Omit paragraph 20(3).

## CHAPTER 5

### Consequential amendments to other enactments

69. Consequential amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
70. In article 3(1) for “Secretary of State” substitute “Disclosure and...
71. In Part II of Schedule 1 omit paragraph 44.
72. Consequential amendments to the Data Protection Act 1998
73. In entry 2 in the table in section 56(6) omit...
74. In entry 4 in the table in section 56(6)—
75. In section 75(4) omit “by the Secretary of State”.
76. Consequential amendments to the Police Act 1997 (Criminal Records) Regulations 2002
77. In regulation 5A omit paragraph (z).
78. In regulation 11(1), (1)(b), (2), (2A), (3) and (4) for...
79. Consequential amendments to the Independent Schools (Provision of Information) (Wales) Regulations 2003
80. In paragraph 3(16) of the Schedule for “Criminal Records Bureau”...
81. In paragraphs 7(d) and 10(d) of the Schedule for “Secretary...
82. In paragraph 3(16) of the Schedule, in the Welsh language...
83. In paragraphs 7(ch) and 10(ch) of the Schedule, in the...
84. Consequential amendments to the Pensions Act 2004
85. At the end of the table in Schedule 8 to...
86. Consequential amendments to the Police Act 1997 (Criminal Records) (Registration) Regulations 2006
87. In regulation 2 after the definition of the “1997 Act”...
88. In the following provisions for “the Secretary of State” substitute...
89. Consequential amendments to the Local Authority Adoption Service (Wales) Regulations 2007
90. In regulation 16(3)(e) for “CRB” each time it occurs substitute...
91. In paragraph 5 of Schedule 4 for “Criminal Records Bureau”...
92. In regulation 16(3)(d), in the Welsh language text of those...
93. In paragraph 5 of Schedule 4, in the Welsh language...

94. Consequential amendments to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007
95. Consequential amendments to the Special Educational Needs Tribunal for Wales Regulations 2012
96. In regulation 66(4) for “Criminal Records Bureau” substitute “Disclosure and...
97. In regulation 66(4), in the Welsh language text of those...

## CHAPTER 6

### Supplemental provisions

98. Supplemental provisions relating to Secretary of State functions
99. Anything done before the coming into force of this Order...
100. Any enactment or instrument passed or made before the coming...

## PART 4

### Transitional provisions

101. Appeals and legal proceedings
102. (1) DBS shall be substituted as the respondent (or the...
103. Information
104. Representations
105. (1) Any representations which can be made to the Secretary...
106. Reviews
107. Any application for a review received by ISA prior to...
108. Report and accounts
109. Advice
110. Registration

## PART 5

### Dissolution of the Independent Safeguarding Authority

111. Dissolution of ISA
112. Section 1 of, and Schedules 1 and 2 to, the...  
Signature  
Explanatory Note