

# PROTECTION OF FREEDOMS ACT 2012

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 5: Safeguarding vulnerable groups, criminal records etc.**

#### *Chapter 1: Safeguarding of vulnerable groups*

#### *Section 72: Information about barring decisions*

295. *Subsection (1)* replaces sections 30 to 32 of the SVGA with new sections 30A and 30B. Sections 30 and 32 would have enabled employers and others registering a legitimate interest in a person who was subject to monitoring under section 24 of the SVGA, to be informed should that person become barred. Section 24 is repealed by section 69.
296. New section 30A introduces arrangements for an interested party to obtain from the Secretary of State, on application, information indicating whether a person is barred from regulated activity. Such information may only be provided with the person's consent. Eligibility to apply for such information is governed by Schedule 7 to the SVGA, and includes, for example, regulated activity providers. New section 30A(5) provides for a fee in respect of such an application, and new section 30A(7) enables the Secretary of State to determine the form, manner and contents of the application. This would result in a reactive notification system where the interested party is told, upon request, whether a particular individual is barred.
297. New section 30B enables persons mentioned in Schedule 7 to the SVGA to register an interest in persons engaged in regulated activity. It requires the Secretary of State to notify the registered person should an individual become barred from regulated activity. Registration requires the consent of the individual engaged in regulated activity and, for this purpose, any consent given by an individual for a barred list check under section 30A suffices for consent for registration under new section 30B. New section 30B(8) provides for a fee to be charged for this service and new section 30B(10) enables the Secretary of State to determine the form, manner and content of any application. This fee will be set at a level necessary to recover the costs of this service. This would result in a proactive notification system whereby the interested person is automatically told when a particular individual is barred.
298. *Subsection (2)* amends section 33(3) of the SVGA to provide for registration to be periodically renewed and for registration to cease if it is not renewed.
299. *Subsections (4) and (5)* replace the existing power to add entries to the table in paragraph 1 of Schedule 7 to the SVGA with a power to amend or repeal entries in that table, or add new entries to it.
300. *Subsection (6)* repeals the provision set out in paragraph 3(1)(b) of Schedule 7 to the SVGA, which enables the Ministry of Defence to carry out barred list checks on those supervising persons aged under 18 working for the armed forces.