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## SCHEDULES

### SCHEDULE 3

#### BARRED LISTS

##### Modifications etc. (not altering text)

- C1** 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 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.
- (2) If it appears to the Secretary of State that this paragraph applies to a person the Secretary of State must refer the matter to IBB.
- (3) On the reference being made, IBB must include the person in the adults' barred list.

##### Modifications etc. (not altering text)

- C2** 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

- I1** Sch. 3 para. 7 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), art. 4(a)
- I2** 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)
- I3** 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.
- (2) If it appears to the Secretary of State that this paragraph applies to a person the Secretary of State must refer the matter to IBB.
- (3) On the reference being made, IBB must—
- (a) include the person in the adults' barred list;

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- (b) give the person the opportunity to make representations as to why he should be removed from the adults' barred list.

- (4) If it appears to IBB that it is not appropriate for the person to be included in the list, it must remove him from the list.

**Modifications etc. (not altering text)**

- C3** 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**

- I4** Sch. 3 para. 8 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**  
**I5** 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)**  
**I6** 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 IBB that the person has (at any time) engaged in relevant conduct, and
  - (b) IBB proposes to include him in the adults' barred list.
- (2) IBB must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) IBB must include the person in the adults' barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct, and
  - (b) it appears to IBB that it is appropriate to include the person in the list.

**Commencement Information**

- I7** [Sch. 3 para. 9](#) in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**  
**I8** [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 IBB that the conduct is inappropriate;
  - (e) conduct of a sexual nature involving a vulnerable adult, if it appears to IBB 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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- (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), IBB must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

#### Commencement Information

- I9** Sch. 3 para. 10 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(a\)](#)
- I10** 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\(1\)\(k\)](#)
- I11** [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 IBB that the person falls within sub-paragraph (4), and
  - (b) IBB proposes to include him in the adults' barred list.
- (2) IBB must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) IBB must include the person in the adults' barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4), and
  - (b) it appears to IBB 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,
  - (d) attempt to harm a vulnerable adult, or
  - (e) incite another to harm a vulnerable adult.

#### Commencement Information

- I12** [Sch. 3 para. 11](#) in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(a\)](#)
- I13** [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\(1\)\(k\)](#)

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*Restriction on inclusion*

- 12 (1) IBB 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 IBB.
- (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.

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**Commencement Information**

**I14** Sch. 3 para. 12 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, art. 4(a)

**I15** 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.

**I16** 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)

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