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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

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

**PART 3**

Transfer of the Secretary of State's functions

**CHAPTER 5**

Consequential amendments to other enactments

**Consequential amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

69. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 is amended as follows.
70. In article 3(1)(1) for “Secretary of State” substitute “Disclosure and Barring Service”.
71. In Part II of Schedule 1 omit paragraph 44(2).

**Consequential amendments to the Data Protection Act 1998**

72. The Data Protection Act 1998(3) is amended as follows.
73. In entry 2 in the table in section 56(6) omit paragraphs (f) and (g).
74. In entry 4 in the table in section 56(6)—
- (a) before “Its functions” insert “(a)”;
  - (b) after “Order 2007” insert—  
“ (b) Its functions under Part 5 of the Police Act 1997.”
75. In section 75(4) omit “by the Secretary of State”.

**Consequential amendments to the Police Act 1997 (Criminal Records) Regulations 2002**

76. The Police Act 1997 (Criminal Records) Regulations 2002(4) are amended as follows.
77. In regulation 5A(5) omit paragraph (z).
78. In regulation 11(1), (1)(b), (2), (2A)(6), (3) and (4) for “Secretary of State” substitute “Disclosure and Barring Service”.

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(1) Article 3(l) was inserted by [S.I. 2007/2149](#).

(2) Paragraph 44 was inserted by [S.I. 2009/1818](#).

(3) [1998 c. 29](#). Entry 2(g) and entry 4 were inserted by section 63(1) of, and paragraph 15 of Schedule 9 to, the 2006 Act and entry 4 was amended by Article 60(1) of, and paragraph 4 of Schedule 7 to, the 2007 Order.

(4) [S.I. 2002/233](#).

(5) Regulation 5A was inserted by [S.I. 2006/748](#) and paragraph (z) was inserted by [S.I. 2009/1882](#).

(6) Paragraph (2A) was inserted by [S.I. 2009/460](#).

### **Consequential amendments to the Independent Schools (Provision of Information) (Wales) Regulations 2003**

**79.** The Independent Schools (Provision of Information) (Wales) Regulations 2003(7) are amended as follows.

**80.** In paragraph 3(16) of the Schedule for “Criminal Records Bureau” substitute “Disclosure and Barring Service”.

**81.** In paragraphs 7(d) and 10(d) of the Schedule for “Secretary of State” substitute “Disclosure and Barring Service”.

**82.** In paragraph 3(16) of the Schedule, in the Welsh language text of those Regulations (Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2003), for “Swyddfa Cofnodion Troseddol” substitute “Gwasanaeth Datgelu a Gwahardd”.

**83.** In paragraphs 7(ch) and 10(ch) of the Schedule, in the Welsh language text for “Ysgrifennydd Gwladol” substitute “Gwasanaeth Datgelu a Gwahardd”.

### **Consequential amendments to the Pensions Act 2004**

**84.** At the end of the table in Schedule 3 to the Pensions Act 2004(8) insert—

“Disclosure and Barring Service	Functions under Part 5 of the Police Act 1997”
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**85.** At the end of the table in Schedule 8 to the Pensions Act 2004 insert—

“Disclosure and Barring Service	Functions under Part 5 of the Police Act 1997”
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### **Consequential amendments to the Police Act 1997 (Criminal Records) (Registration) Regulations 2006**

**86.** The Police Act 1997 (Criminal Records) (Registration) Regulations 2006(9) are amended as follows.

**87.** In regulation 2 after the definition of the “1997 Act” insert—

““DBS” means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012;”

**88.** In the following provisions for “the Secretary of State” substitute “DBS”—

- (a) regulation 2;
- (b) regulation 3(1)(a), (1)(e)(ii) and (1)(f)(i);
- (c) regulation 4(2), (3), (4) and (5);
- (d) regulation 7(b), (c), (d)(i), (e), (e)(i), (f), (g)(iii), (j), (k) and (m);
- (e) regulation 8(1), (2) and (4);
- (f) regulation 9;
- (g) regulation 10(1), (2) and (3).

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(7) [S.I. 2003/3230 \(W. 310\)](#). Paragraphs 7(d) and 10(d) of the English language text and paragraphs 7(ch) and 10(ch) of the Welsh language text were substituted by [S.I. 2007/947 \(W. 81\)](#).

(8) [2004 c. 35](#).

(9) [S.I. 2006/750](#) as amended by [S.I. 2009/203](#).

### **Consequential amendments to the Local Authority Adoption Service (Wales) Regulations 2007**

**89.** The Local Authority Adoption Service (Wales) Regulations 2007<sup>(10)</sup> are amended as follows.

**90.** In regulation 16(3)(e) for “CRB” each time it occurs substitute “Disclosure and Barring Service”.

**91.** In paragraph 5 of Schedule 4 for “Criminal Records Bureau” substitute “Disclosure and Barring Service”.

**92.** In regulation 16(3)(d), in the Welsh language text of those Regulations (Rheoliadau Gwasanaeth Mabwysiadu Awdurdodau Lleol (Cymru) 2007), for “SCT (CRB)” each time it occurs substitute “Gwasanaeth Datgelu a Gwahardd”.

**93.** In paragraph 5 of Schedule 4, in the Welsh language text, for “Swyddfa Cofnodion Troseddol” substitute “Gwasanaeth Datgelu a Gwahardd”.

### **Consequential amendments to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

**94.** In Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007<sup>(11)</sup> for “Criminal Records Bureau” substitute “Disclosure and Barring Service”.

### **Consequential amendments to the Special Educational Needs Tribunal for Wales Regulations 2012**

**95.** The Special Educational Needs Tribunal for Wales Regulations 2012<sup>(12)</sup> are amended as follows.

**96.** In regulation 66(4) for “Criminal Records Bureau” substitute “Disclosure and Barring Service”.

**97.** In regulation 66(4), in the Welsh language text of those Regulations (Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru 2012), for “Swyddfa Cofnodion Troseddol” substitute “Gwasanaeth Datgelu a Gwahardd”.

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<sup>(10)</sup> S.I. 2007/1357 (W. 128).

<sup>(11)</sup> S.I. 2007/3544 as amended by S.I. 2009/2981.

<sup>(12)</sup> S.I. 2012/322 (W. 53).