



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Barring

1 **[^{F1}Independent Safeguarding Authority]**

[^{F2}(1) There shall be a body corporate to be known as the [^{F1}Independent Safeguarding Authority] (“^{F1}ISA”).

(2) Schedule 1 makes provision relating to [^{F1}ISA].

(3) Schedule 2 (transfers to [^{F1}ISA]) has effect.]

Textual Amendments

F1 Words in s. 1 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(i), 116(5)(a)

F2 S. 1 ceases to have effect (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **112** (with Pt. 4)

Commencement Information

I1 S. 1 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), **art. 3**

I2 S. 1 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), **art. 2(a)**

2 **Barred lists**

(1) [^{F3}DBS] must ^{F4}... maintain—

- (a) the children's barred list;
- (b) the adults' barred list.

(2) Part 1 of Schedule 3 applies for the purpose of determining whether an individual is included in the children's barred list.

(3) Part 2 of that Schedule applies for the purpose of determining whether an individual is included in the adults' barred list.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (4) Part 3 of that Schedule contains supplementary provision.
- (5) In respect of an individual who is included in a barred list, [^{F3}DBS] must keep other information of such description as is prescribed.

Textual Amendments

F3 Word in s. 2 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **3(a)** (with Pt. 4)

F4 Words in s. 2 omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **4** (with Pt. 4)

Commencement Information

I3 S. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I4 S. 2 in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(a)**

I5 S. 2 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I6 S. 2(2)(3) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(a)**

I7 S. 2(2)-(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(o)**

I8 S. 2(4) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(b)**

I9 S. 2(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(v)**

I10 S. 2(5) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(c)**

3 Barred persons

- (1) A reference to a person being barred from regulated activity must be construed in accordance with this section.
- (2) A person is barred from regulated activity relating to children if he is—
 - (a) included in the children's barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the children's barred list.
- (3) A person is barred from regulated activity relating to vulnerable adults if he is—
 - (a) included in the adults' barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Commencement Information

I11 S. 3 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**

I12 S. 3(1)(2)(a) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I13 S. 3(2)(b)(3)(b) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(a)**

4 Appeals

- (1) An individual who is included in a barred list may appeal to the [^{F5}Upper] Tribunal against—
 - ^{F6}(a)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (b) a decision under paragraph [F72,] 3, 5, [F88,] 9 or 11 of [F9]Schedule 3] to include him in the list;
 - (c) a decision under paragraph 17 [F10, 18 or 18A] of that Schedule not to remove him from the list.
- (2) An appeal under subsection (1) may be made only on the grounds that [F11]DBS] has made a mistake—
- (a) on any point of law;
 - (b) in any finding of fact which it has made and on which the decision mentioned in that subsection was based.
- (3) For the purposes of subsection (2), the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact.
- (4) An appeal under subsection (1) may be made only with the permission of the [F5]Upper] Tribunal.
- (5) Unless the [F5]Upper] Tribunal finds that [F11]DBS] has made a mistake of law or fact, it must confirm the decision of [F11]DBS] .
- (6) If the [F5]Upper] Tribunal finds that [F11]DBS] has made such a mistake it must—
- (a) direct [F11]DBS] to remove the person from the list, or
 - (b) remit the matter to [F11]DBS] for a new decision.
- (7) If the [F5]Upper] Tribunal remits a matter to [F11]DBS] under subsection (6)(b)—
- (a) the [F5]Upper] Tribunal may set out any findings of fact which it has made (on which [F11]DBS] must base its new decision); and
 - (b) the person must be removed from the list until [F11]DBS] makes its new decision, unless the [F5]Upper] Tribunal directs otherwise.
- F12(8)
- F12(9)
- F12(10)
- F12(11)

Textual Amendments

- F5** Word in s. 4 inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 222(a)**
- F6** S. 4(1)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 44(a)**, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F7** Word in s. 4(1)(b) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 44(b)(i)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F8** Word in s. 4(1)(b) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 44(b)(ii)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F9** Words in s. 4(1)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 44(b)(iii)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- F10** Words in s. 4(1)(c) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 44\(c\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F11** Word in s. 4 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(a)** (with Pt. 4)
- F12** S. 4(8)-(11) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 222(b)**

Modifications etc. (not altering text)

- C1** S. 4 applied (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **4(6)**
- C2** S. 4 applied (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **2(6)**
- C3** S. 4 transfer of functions (3.11.2008) by [First-tier Tribunal and Upper Tribunal \(Chambers\) Order 2008 \(S.I. 2008/2684\)](#), arts. 1, **7(a)(vi)**

Commencement Information

- I14** S. 4(1)-(7)(9)-(11) in force at 19.5.2008 by [S.I. 2008/1320](#), **art. 2(b)**
- I15** S. 4(8) in force at 31.12.2007 by [S.I. 2007/3545](#), **art. 2(d)**

Regulated activity

5 Regulated activity

- (1) A reference to regulated activity relating to children must be construed in accordance with Part 1 of Schedule 4.
- (2) A reference to regulated activity relating to vulnerable adults must be construed in accordance with Part 2 of that Schedule.
- (3) The Secretary of State may by order amend that Schedule, or any of the modifications of that Schedule in the provisions mentioned in subsection (4), so as to vary the meaning of—
 - (a) regulated activity relating to children;
 - (b) regulated activity relating to vulnerable adults.
- (4) The provisions are—
 - section 7(5);
 - section 9(5);
 - F13**
...
 - section 19(8);
 - F14**
....

Textual Amendments

- F13** Words in s. 5(4) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 45\(a\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F14** Words in s. 5(4) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 45(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

- I16** S. 5 in force at 20.1.2009 in so far as not already in force by S.I. 2009/39, **art. 2(1)(b)**
I17 S. 5(1)(2) in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(b)**
I18 S. 5(1)(2) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(w)**
I19 S. 5(3)(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(b)**

Regulated activity providers

6 Regulated activity providers

- (1) A reference to a regulated activity provider must be construed in accordance with this section.
- (2) A person (P) is a regulated activity provider if—
 - (a) he is responsible for the management or control of regulated activity,
 - (b) if the regulated activity is carried out for the purposes of an organisation, his exercise of that responsibility is not subject to supervision or direction by any other person for those purposes, and
 - (c) he makes, or authorises the making of, arrangements (whether in connection with a contract of service or for services or otherwise) for another person to engage in that activity.
- (3) A person (P) is also a regulated activity provider if section 53(4) (fostering) so provides.
- (4) A person (P) is also a regulated activity provider if he carries on a scheme—
 - (a) under which an individual agrees with P to provide care or support (which may include accommodation) to an adult who is in need of it, and
 - (b) in respect of which a requirement to register arises—
 - (i) in relation to England, under section 10 of the Health and Social Care Act 2008, or
 - (ii) in relation to Wales, under [F15]Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).]
- (5) P is not a regulated activity provider if he is an individual and the arrangements he makes are private arrangements.
- (6) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, P himself.
- (7) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, a child or vulnerable adult who is—
 - (a) a member of P's family;
 - (b) a friend of P.
- (8) A person does not make arrangements for another to engage in a regulated activity merely because he (alone or together with others) appoints that person—
 - (a) to a position mentioned in [F16]paragraph 1(9) or 7(9)] of Schedule 4,
 - (b) as a deputy under section 16(2)(b) of the Mental Capacity Act 2005 (c. 9);

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

^{F17}(c)

(d) to any position mentioned in [^{F18}paragraph 7(3E)(a) or (b) of Schedule 4] or to exercise any function [^{F19}exercisable by virtue of that position].

[^{F20}(8CA) A person (S) who is authorised as mentioned in subsection (5)(a) of section 50 of the Social Services and Well-being (Wales) Act 2014 does not make arrangements for another to engage in a regulated activity by virtue of anything that S does under subsection (5)(b) or (6)(b) of that section.]

[^{F21}(8C) The Secretary of State does not make arrangements for another to engage in a regulated activity by virtue of anything the Secretary of State does under section 12A or 12D, or regulations under section 12B, of the National Health Service Act 2006 (direct payments for health services).

^{F22}(8D)

[^{F23}(8E) [^{F24}NHS England] or [^{F25}an integrated care board] does not make arrangements for another to engage in a regulated activity by virtue of anything [^{F24}NHS England] or [^{F26}the integrated care board] does under section 12A or 12D, or regulations under section 12A or 12B, of the National Health Service Act 2006 (direct payments for health services).]

(9) For the purposes of subsection (7) it is immaterial whether P is also acting in any capacity other than as a family member or friend.

(10) If a regulated activity provider is an unincorporated association any requirement of or liability (including criminal liability) under this Act must be taken to be a requirement on or liability of—

- (a) the person responsible for the management and control of the association, or
- (b) if there is more than one such person, all of them jointly and severally.

(11) “Family” and “friend” must be construed in accordance with section 58.

(12) The Secretary of State may by order provide that in specified circumstances a person who makes, or authorises the making of, arrangements (of any description) for another to engage in regulated activity either is or is not a regulated activity provider.

Textual Amendments

- F15** Words in s. 6(4)(b)(ii) substituted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **27**
- F16** Words in s. 6(8)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 46\(a\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F17** S. 6(8)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 46\(b\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F18** Words in s. 6(8)(d) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 46\(c\)\(i\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F19** Words in s. 6(8)(d) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 46\(c\)\(ii\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F20** S. 6(8CA) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **253(b)**

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- F21** S. 6(8C)(8D) inserted (19.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 1 para. 13**; S.I. 2010/30, art. 2(b)
- F22** S. 6(8D) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 144(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F23** S. 6(8E) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 144(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F24** Words in s. 6 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F25** Words in s. 6(8E) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 150(a)**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F26** Words in s. 6(8E) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 150(b)**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

Commencement Information

- I20** S. 6 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(c)**
- I21** S. 6 in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), **art. 2(1)(e)(2)**
- I22** S. 6 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), art. 2, **Sch.**
- I23** S. 6(12) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(c)**

Restrictions on participating in regulated activity

7 **Barred person not to engage in regulated activity**

- (1) An individual commits an offence if he—
 - (a) seeks to engage in regulated activity from which he is barred;
 - (b) offers to engage in regulated activity from which he is barred;
 - (c) engages in regulated activity from which he is barred.
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding [^{F27}the general limit in a magistrates' court], or to a fine not exceeding the statutory maximum, or to both.
- (3) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know, and could not reasonably be expected to know, that he was barred from that activity.
- (4) It is a defence for a person charged with an offence under subsection (1) to prove—
 - (a) that he reasonably thought that it was necessary for him to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),
 - (b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and
 - (c) that he engaged in the activity for no longer than was necessary for that purpose.
- (5) For the purposes of this section, Schedule 4 is modified as follows—
 - (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
 - ^{F28}(b)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

^{F28}(c)

- (6) In relation to an offence committed before [^{F29}2 May 2022], the reference in subsection (2)(b) to [^{F30}the general limit in a magistrates' court] must be taken to be a reference to six months.

Textual Amendments

- F27** Words in s. 7(2)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F28** S. 7(5)(b)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 47, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F29** Words in s. 7(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), **5(1)**, **Sch. Pt. 1**
- F30** Words in s. 7(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I24** S. 7 in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, **Sch.**

PROSPECTIVE

^{F31}8 **Person not to engage in regulated activity unless subject to monitoring**

.....

Textual Amendments

- F31** S. 8 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 48, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

9 **Use of barred person for regulated activity**

- (1) A person commits an offence if—
- he permits an individual (B) to engage in regulated activity from which B is barred,
 - he knows or has reason to believe that B is barred from that activity, and
 - B engages in the activity.
- (2) A personnel supplier commits an offence if—
- he supplies an individual (B) to another (P),
 - he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and
 - he knows or has reason to believe that B is barred from that activity.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (3) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding [^{F32}the general limit in a magistrates’ court], or to a fine not exceeding the statutory maximum, or to both.
- (4) It is a defence for a person charged with an offence under this section to prove—
 - (a) that he reasonably thought that it was necessary for the barred person to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),
 - (b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and
 - (c) that the barred person engaged in the activity for no longer than was necessary for that purpose.
- (5) For the purposes of this section, Schedule 4 is modified as follows—
 - (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
 - ^{F33}(b)
 - ^{F33}(c)
- (6) In relation to an offence committed before [^{F34}2 May 2022], the reference in subsection (3)(b) to [^{F35}the general limit in a magistrates’ court] must be taken to be a reference to six months.

Textual Amendments

- F32** Words in s. 9(3)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F33** S. 9(5)(b)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 49, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F34** Words in s. 9(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), **5(1)**, **Sch. Pt. 1**
- F35** Words in s. 9(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I25** S. 9 in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, **Sch.**

PROSPECTIVE

^{F36}**10 Use of person not subject to monitoring for regulated activity**

.....

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

Textual Amendments

F36 S. 10 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 50, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F37 11 Regulated activity provider: failure to check

.....

Textual Amendments

F37 S. 11 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 51, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F38 12 Personnel suppliers: failure to check

.....

Textual Amendments

F38 S. 12 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 52, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F39 13 Educational establishments: check on members of governing body

.....

Textual Amendments

F39 S. 13 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 53, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F40 14 Office holders: offences

.....

Textual Amendments

F40 S. 14 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 54, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

PROSPECTIVE

F41 15 Sections 13 and 14: checks

.....

Textual Amendments

F41 S. 15 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 55, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

PROSPECTIVE

Exceptions

F42 16 Exception to requirement to make monitoring check

.....

Textual Amendments

F42 S. 16 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 56, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F43 17 NHS employment

.....

Textual Amendments

F43 S. 17 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 57, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Offences: supplementary

18 Offences: companies &c.

- (1) If an offence under section 9^{F44} ... or 38^{F45} ... is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body, or
 - (b) a person purporting to act in such a capacity,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

he (as well as the body) commits the offence.

(2) If an offence under section 9^{F46} ... or 38^{F47} ... is committed by a partnership (whether or not a limited partnership) and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—

- (a) a partner, or
- (b) a person purporting to act as a partner,

he (as well as the partnership) commits the offence.

(3) In subsection (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.

Textual Amendments

F44 Words in s. 18(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 58\(2\)\(a\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F45 Words in s. 18(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 58\(2\)\(b\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F46 Words in s. 18(2) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 58\(3\)\(a\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

F47 Words in s. 18(2) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 58\(3\)\(b\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I26 S. 18 in force at 12.10.2009 for specified purposes by [S.I. 2009/2611, art. 2, Sch.](#)

19 Offences: other persons

^{F48}(1)

(2) A person commits an offence if, in the course of acting or appearing to act on behalf of a personnel supplier—

- (a) he supplies an individual (B) to another (P),
- (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and
- (c) he knows or has reason to believe that B is barred from the activity.

^{F49}(3)

^{F49}(4)

(5) A person guilty of an offence under subsection (2) is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both;

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (b) on summary conviction, to imprisonment for a term not exceeding [^{F50}the general limit in a magistrates' court], or to a fine not exceeding the statutory maximum, or to both.

^{F51}(6)

^{F51}(7)

- (8) For the purpose of [^{F52}subsection (2)(b)], Schedule 4 is modified as follows—

- (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;

^{F53}(b)

^{F53}(c)

^{F54}(9)

- (10) In relation to an offence committed [^{F55}2 May 2022], the reference in subsection (5) (b) to [^{F56}the general limit in a magistrates' court] must be taken to be a reference to six months.

Textual Amendments

- F48** S. 19(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 59\(2\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F49** S. 19(3)(4) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 59\(3\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F50** Words in s. 19(5)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\), regs. 1\(2\), 2\(1\), Sch. Pt. 1](#)
- F51** S. 19(6)(7) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 59\(4\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F52** Words in s. 19(8) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 59\(5\)\(a\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F53** S. 19(8)(b)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 59\(5\)\(b\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F54** S. 19(9) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 59\(6\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F55** Words in s. 19(10) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\), regs. 1\(2\), 5\(1\), Sch. Pt. 1](#)
- F56** Words in s. 19(10) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\), regs. 1\(2\), 2\(1\), Sch. Pt. 1](#)

Commencement Information

- I27** S. 19(2)(5)(10) in force at 12.10.2009 by [S.I. 2009/2611, art. 2, Sch.](#)
- I28** S. 19(8) in force at 12.10.2009 for specified purposes by [S.I. 2009/2611, art. 2, Sch.](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

20 Section 19: exclusions and defences

(1) A person does not commit an offence under section 19 if B has not attained the age of 16.

F57(2)

F57(3)

F57(4)

F57(5)

F57(6)

F57(7)

Textual Amendments

F57 S. 20(2)-(7) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 60, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I29 S. 20(1) in force at 12.10.2009 for specified purposes by [S.I. 2009/2611, art. 2, Sch.](#)

Controlled activity

F58 21 Controlled activity relating to children

.....

Textual Amendments

F58 Ss. 21-23 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 68, 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(e)(bb)

F58 22 Controlled activity relating to vulnerable adults

.....

Textual Amendments

F58 Ss. 21-23 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 68, 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(e)(bb)

F58 23 Controlled activity: regulations

.....

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

Textual Amendments

F58 Ss. 21-23 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 68, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(e)(bb)

Monitoring

F59 24 Monitoring

.....

Textual Amendments

F59 Ss. 24-27 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

F59 24A Monitoring: power to prescribe additional fees

.....

Textual Amendments

F59 Ss. 24-27 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

F59 25 Monitoring: fees

.....

Textual Amendments

F59 Ss. 24-27 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

F59 26 Ceasing monitoring

.....

Textual Amendments

F59 Ss. 24-27 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 69, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

PROSPECTIVE

F59 27 Prohibition of requirement to produce certain records

.....

Textual Amendments

F59 Ss. 24-27 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 69, 120, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(f)(bb)

28 Independent monitor

After section 119A of the Police Act 1997 (c. 50) (further sources of information: Scotland) insert—

“119B Independent monitor

- (1) There is to be an independent monitor for the purposes of this Part.
- (2) The independent monitor is a person appointed by the Secretary of State—
 - (a) for such period, not exceeding three years, as the Secretary of State decides;
 - (b) on such terms as the Secretary of State decides.
- (3) A person may be appointed for a further period or periods.
- (4) The Secretary of State may terminate the appointment of the independent monitor before the end of the period mentioned in subsection (2)(a) by giving the monitor notice of the termination not less than three months before it is to take effect.
- (5) The independent monitor must review—
 - (a) all cases in which information is disclosed to a registered person in pursuance of section 113B(6)(b);
 - (b) a sample of cases in which a certificate issued under section 113B has included information in pursuance of subsection (4)(b) of that section;
 - (c) a sample of cases in which the chief officer of a police force has decided that information must not be included in a certificate or report in pursuance of section 113B(4)(b) or disclosed in pursuance of section 113B(5)(c) and (6)(b);
 - (d) all cases in which information is withheld from an individual because it is information to which section 24(9) of the Safeguarding Vulnerable Groups Act 2006 applies;
 - (e) a sample of cases in which relevant information (within the meaning of section 24(8)(b) of that Act) is provided to an individual in pursuance of section 24(4)(a) of that Act.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (6) The purpose of a review under subsection (5) is to ensure compliance with Article 8 of the European Convention of Human Rights.
- (7) The independent monitor must in relation to each year make a report to the Secretary of State about the performance of police forces in exercising their functions under this Part.
- (8) The independent monitor may make recommendations to the Secretary of State as to—
 - (a) any guidance issued by the Secretary of State or which the monitor thinks it would be appropriate for the Secretary of State to issue;
 - (b) any changes to any enactment which the monitor thinks may be appropriate.
- (9) The chief officer of a police force must provide to the independent monitor such information as the monitor reasonably requires in connection with the exercise of his functions under this section.”

Modifications etc. (not altering text)

- C4** S. 28 extended (Guernsey) (with modifications) (10.12.2009) by [Police Act 1997 \(Criminal Records\) \(Guernsey\) Order 2009 \(S.I. 2009/3215\)](#), art. 4, [Sch. 2](#), [Sch. 3](#) (with arts. 6-8)
- C5** S. 28 extended (Jersey) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) Order 2010 \(S.I. 2010/765\)](#), arts. 1(2), 4, [Sch. 2](#), [Sch. 3](#) (with arts. 6-8)
- C6** S. 28 extended (Isle of Man) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) Order 2010 \(S.I. 2010/764\)](#), arts. 1(2), 4, [Sch. 2](#), [Sch. 3](#) (with arts. 6-8)

Commencement Information

- I30** S. 28 in force at 20.1.2009 by [S.I. 2009/39](#), [art. 2\(1\)\(c\)](#)

29 Part 5 of the Police Act 1997: code of practice

- (1) Section 122 of the Police Act 1997 (c. 50) (code of practice) is amended as follows.
- (2) In subsection (1) after “information provided to” insert “, or the discharge of any function by,”.
- (3) In subsection (3) for the words from “The Secretary of State” to “application” substitute “ Subsection (3A) applies if the Secretary of State thinks that the registered person who countersigned an application for a certificate under section 113A or 113B ”.
- (4) After subsection (3) insert—

“(3A) The Secretary of State may—

 - (a) refuse to issue the certificate;
 - (b) suspend the registration of the person;
 - (c) cancel the registration of the person.

(3B) Section 120AB applies if the Secretary of State proposes to suspend or cancel a person's registration under subsection (3A) above as it applies if he proposes to suspend or cancel a person's registration by virtue of section 120AA.”

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

Commencement Information

I31 S. 29 in force at 20.1.2009 by [S.I. 2009/39](#), [art. 2\(1\)\(d\)](#)

Notices and information

30 Provision of vetting information

- (1) The Secretary of State must provide a person (A) with the information mentioned in subsection (4) in relation to another (B) if—
 - (a) A makes an application for the information,
 - (b) the application contains the appropriate declaration, and
 - (c) the Secretary of State has no reason to believe that the declaration is false.
- (2) The appropriate declaration is a declaration by A—
 - (a) that he falls within column 1 of a specified entry, and
 - (b) that B has consented to the provision of the information to A.
- ^{F60}(2A) The Secretary of State may refuse to provide A with the information if B has failed to pay a fee required by section 24A.]
- (3) In this section references to a specified entry are to an entry in the table in Schedule 7 specified by A in his declaration.
- (4) The information is—
 - (a) if column 2 of the specified entry refers to children, relevant information relating to children, and
 - (b) if column 2 of the specified entry refers to vulnerable adults, relevant information relating to vulnerable adults.
- (5) Paragraph (b) of subsection (2) does not apply if the specified entry is 17.
- (6) If B consents to the provision of information to A in relation to an application under this section, the consent also has effect in relation to any subsequent such application by A.
- (7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section (including the form and manner of a declaration contained in such an application).
- (8) The Secretary of State may by regulations make provision requiring a local authority which makes or proposes to make payments to or on behalf of a person in accordance with regulations under section 17A of the Children Act 1989 (c. 41) or section 57 of the Health and Social Care Act 2001 (c. 15) [^{F61}, ^{F62}... in accordance with section 31 or 32 of the Care Act 2014,]^{F63} or in accordance with regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014] to inform the person of his right to obtain relevant information under this section.

Textual Amendments

F60 S. 30(2A) inserted (29.1.2010 for specified purposes) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 84\(3\)](#), [116\(1\)](#); [S.I. 2010/125](#), [art. 3](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- F61** Words in s. 30(8) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 86** (with arts. 1(3), 3)
- F62** Word in s. 30(8) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **254(i)**
- F63** Words in s. 30(8) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **254(ii)**

Commencement Information

- I32** S. 30(7)(8) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(f)**

31 Meaning of relevant information in section 30

- (1) This section has effect for the purposes of section 30.
- (2) Relevant information relating to children is—
 - (a) whether B is subject to monitoring in relation to regulated activity relating to children, and
 - (b) if so, whether he is undergoing assessment.
- (3) Relevant information relating to vulnerable adults is—
 - (a) whether B is subject to monitoring in relation to regulated activity relating to vulnerable adults, and
 - (b) if so, whether he is undergoing assessment.
- (4) B is undergoing assessment if—
 - (a) the Secretary of State is required to notify B as mentioned in section 24(4) in connection with B's monitoring application but has not yet done so;
 - (b) B has made a simultaneous application under section 113B of the Police Act 1997 but the Secretary of State has not yet issued an enhanced criminal record certificate under that section;
 - (c) in relation to subsection (2)(b), IBB is considering whether to include B in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 3;
 - (d) in relation to subsection (3)(b), IBB is considering whether to include B in the adults' barred list in pursuance of paragraph 9 or 11 of that Schedule.
- (5) In subsection (4)(b) "simultaneous application" means an application made simultaneously with B's monitoring application under section 24.
- (6) The Secretary of State may by order amend the preceding provisions of this section for the purpose of altering the meaning of relevant information relating to children or vulnerable adults (as the case may be).

Commencement Information

- I33** S. 31(6) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(e)**

32 Notification of cessation of monitoring

- (1) The Secretary of State must establish and maintain a register for the purposes of this section.
- (2) The Secretary of State must register a person (A) in relation to another (B) if—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (a) A makes an application to be registered in relation to B,
 - (b) the application contains the appropriate declaration,
 - (c) the Secretary of State has no reason to believe that the declaration is false, and
 - (d) B is subject to monitoring in relation to the regulated activity to which the application relates.
- (3) The appropriate declaration is a declaration by A—
- (a) that he falls within column 1 of a specified entry, and
 - (b) that B has consented to the application.
- (4) In this section references to a specified entry are to an entry in the table in Schedule 7 specified by A in his declaration.
- (5) A's application and registration relate—
- (a) if column 2 of the specified entry refers to children, to regulated activity relating to children;
 - (b) if column 2 of the specified entry refers to vulnerable adults, to regulated activity relating to vulnerable adults.
- (6) The Secretary of State must notify A if B ceases to be subject to monitoring in relation to the regulated activity to which A's registration relates.
- (7) The requirement under subsection (6) is satisfied if notification is sent to any address recorded against A's name in the register.
- (8) Paragraph (b) of subsection (3) does not apply if the specified entry is 17.
- (9) If B consents to the provision of information to A under section 30 the consent also has effect as consent to any application by A to be registered in relation to B under this section.
- (10) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this section (including the form and manner of a declaration contained in such an application).

Commencement Information

I34 S. 32(10) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 4\(g\)](#)

33 Cessation of registration

- (1) In this section references to registration are to registration in the register maintained for the purposes of section 32.
- (2) Once a person is notified as mentioned in subsection (6) of that section, his registration ceases.
- (3) [^{F64}DBS] may cancel a person's registration in such circumstances as are prescribed.
- (4) [^{F65}DBS] must cancel a person's registration—
- (a) if the person applies for it to be cancelled;
 - (b) in prescribed circumstances, if the person in relation to whom he is registered applies for it to be cancelled.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (5) When a person's registration is cancelled under subsection (3) or (4)(b), [F66DBS] must notify him of that fact.
- (6) The requirement under subsection (5) is satisfied if notification is sent to any address recorded against A's name in the register.

Textual Amendments

- F64** Word in s. 33(3) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(c)** (with Pt. 4)
- F65** Word in s. 33(4) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(c)** (with Pt. 4)
- F66** Word in s. 33(5) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(c)** (with Pt. 4)

Commencement Information

- I35** S. 33(3)(4)(b) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(h)**

PROSPECTIVE

34 Declarations under sections 30 and 32

- (1) An individual commits an offence if, in an application made for the purposes of section 30 or 32—
 - (a) he makes a false declaration, and
 - (b) he either knows that it is false or is reckless as to whether it is false.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

35 Regulated activity providers: duty to refer

- (1) Subsection (2) applies to—
 - (a) a regulated activity provider who holds any prescribed information in relation to a person (P) engaged in regulated activity provided by him;
 - ^{F67}(b)
- (2) A person to whom this subsection applies must provide [F68DBS] with the information if—
 - (a) he withdraws permission for P to engage in the activity for a reason mentioned in subsection (3), or
 - (b) he does not withdraw permission for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity.
- (3) The reasons are that the person to whom subsection (2) applies thinks—
 - (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to P,
 - (b) that P has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3), or
 - (c) that the harm test is satisfied.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (4) The harm test is that P may—
- (a) harm a child or vulnerable adult,
 - (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,
 - (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.
- (5) For the purposes of subsection (3)(b), conduct is inappropriate if it appears to the person to whom subsection (2) applies to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- ^{F69}(6)
- (7) This section does not apply if the conditions specified in subsection (2) are fulfilled before the section is commenced.

Textual Amendments

- F67** S. 35(1)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 61(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F68** Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(b)** (with Pt. 4)
- F69** S. 35(6) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 61(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

- I36** S. 35(1) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(i)**
- I37** S. 35(1) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), **art. 2**, **Sch.**
- I38** S. 35(2)-(7) in force at 12.10.2009 by [S.I. 2009/2611](#), **art. 2**, **Sch.**

36 Personnel suppliers: duty to refer

- (1) A personnel supplier must provide [^{F68}DBS] with any prescribed information it holds in relation to a person (P) who has been supplied by it to another person if the supplier knows that P has ceased to be engaged in regulated activity ^{F70}... in the circumstances mentioned in subsection (2)(a) or (b) of section 35.
- (2) A personnel supplier which is an employment agency or employment business must provide [^{F68}DBS] with any prescribed information it holds in relation to a person (P) for whom it acts if—
- (a) the agency or business determines to cease to act for P for a reason mentioned in subsection (4), or
 - (b) it does not determine to cease to act for P for such a reason but would or might have done so if its arrangement with, or employment of, him had not otherwise come to an end.
- (3) A personnel supplier which is an educational institution must provide [^{F68}DBS] with any prescribed information it holds in relation to a student (P) following a course at the institution if—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (a) the institution determines to cease to supply P to another person for him to engage in regulated ^{F71}... activity for a reason mentioned in subsection (4),
 - (b) the institution determines that P should cease to follow a course at the institution for a reason mentioned in subsection (4), or
 - (c) it does not determine as mentioned in paragraph (a) or (b) for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity or ceased to follow the course.
- (4) The reasons are that the personnel supplier thinks—
- (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to P,
 - (b) that P has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3), or
 - (c) that the harm test is satisfied.
- (5) The harm test is that P may—
- (a) harm a child or vulnerable adult,
 - (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,
 - (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.
- (6) For the purposes of subsection (4)(b), conduct is inappropriate if it appears to the personnel supplier to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- (7) An employment agency acts for a person if it makes arrangements with him with a view to—
- (a) finding him employment with an employer, or
 - (b) supplying him to employers for employment by them.
- (8) An employment business acts for a person if it employs him to act for and under the control of other persons in any capacity.
- (9) In this section “employment” has the same meaning as in the Employment Agencies Act 1973 (c. 35).
- (10) This section does not apply if the conditions specified in subsection (1), (2) or (3) are fulfilled before the section is commenced.

Textual Amendments

- F68** Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(b)** (with Pt. 4)
- F70** Words in s. 36(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 62(2), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F71** Words in s. 36(3)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 62(3), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

Commencement Information

- I39** S. 36(1)(2)(3) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 4\(j\)](#)
I40 S. 36(1)-(3) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)
I41 S. 36(4)-(10) in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

37 Regulated activity providers: duty to provide information on request &c.

- (1) This section applies if [^{F68}DBS] is considering—
- (a) whether to include any person in a barred list;
 - (b) whether to remove any person from a barred list.
- (2) [^{F68}DBS] may require—
- (a) any regulated activity provider who has made arrangements for that person to engage in regulated activity (whether or not the arrangements are still in place),
 - ^{F72}(b)
 - (c) any personnel supplier which is an employment agency or employment business and which acts for or has acted for that person, or
 - (d) any personnel supplier which is an educational institution and which has supplied that person to another person for him to engage in regulated ^{F73}... activity,
- to provide [^{F68}DBS] with any prescribed information he or it holds relating to the person.
- (3) An employment agency acts for a person if it makes arrangements with him with a view to—
- (a) finding him relevant employment with an employer, or
 - (b) supplying him to employers for relevant employment by them.
- (4) Relevant employment is employment which consists in or involves engaging in regulated ^{F74}... activity.
- (5) An employment business acts for a person if it employs him to engage in regulated ^{F75}... activity for and under the control of other persons.
- (6) In this section “employment” has the same meaning as in the Employment Agencies Act 1973 (c. 35).

Textual Amendments

- F68** Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), [arts. 1\(1\), 3\(b\)](#) (with Pt. 4)
- F72** S. 37(2)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), [s. 120](#), [Sch. 9 para. 63\(2\)\(a\)](#), [Sch. 10 Pt. 5](#) (with s. 97); [S.I. 2012/2234](#), [art. 2\(aa\)\(bb\)\(ii\)](#)
- F73** Words in s. 37(2)(d) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), [s. 120](#), [Sch. 9 para. 63\(2\)\(b\)](#), [Sch. 10 Pt. 5](#) (with s. 97); [S.I. 2012/2234](#), [art. 2\(aa\)\(bb\)\(ii\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- F74** Words in s. 37(4) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 63\(3\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F75** Words in s. 37(5) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 63\(4\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

- I42** S. 37 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(d\)](#)
- I43** S. 37 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(e\)](#)
- I44** S. 37(2) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 4\(k\)](#)

38 Duty to provide information: offences

- (1) A person commits an offence if—
- he is required under section 35 or 36 or in pursuance of section 37 to provide information to ^{F68}DBS], and
 - he fails, without reasonable excuse, to provide the information.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F68** Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 3\(b\)](#) (with Pt. 4)

Commencement Information

- I45** S. 38 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(e\)](#)
- I46** S. 38 in force at 20.1.2009 for specified purposes by [S.I. 2009/39, art. 2\(1\)\(e\)\(2\)](#)
- I47** S. 38 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)

Local authority information and referrals

39 Local authorities: ^{F76}power] to refer

- (1) A local authority ^{F77}may] provide ^{F68}DBS] with any ^{F78}... information they hold relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the local authority thinks—
- that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
 - that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
 - that the harm test is satisfied.
- (3) The harm test is that the person may—
- harm a child or vulnerable adult,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,
 - (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.
- (4) The second condition is that the local authority thinks—
- (a) that the person is [^{F79} or has been, or might in future be, engaged] in regulated activity ^{F80} ..., and
 - (b) (except in a case where paragraph 1 [^{F81} or 7] of Schedule 3 applies) that [^{F68}DBS] may consider it appropriate for the person to be included in a barred list.
- (5) A local authority may provide [^{F68}DBS] with any ^{F82}... information it holds relating to a person if—
- (a) the local authority think that a person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and
 - (b) the condition in subsection (4) is satisfied.
- (6) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the local authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- (7) “Local authority” has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39).

Textual Amendments

- F68** Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(b)** (with Pt. 4)
- F76** Word in s. 39 heading substituted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 77(2)(d)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(n)
- F77** Word in s. 39(1) substituted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 77(2)(a)(i)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(n)
- F78** Word in s. 39(1) repealed (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 77(2)(a)(ii)**, 120, **Sch. 10 Pt. 5** (with s. 97); [S.I. 2012/2234](#), art. 2(n)(bb)
- F79** Words in s. 39(4)(a) substituted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 77(2)(b)(i)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(n)
- F80** Words in s. 39(4)(a) repealed (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 77(2)(b)(ii)**, 120, **Sch. 10 Pt. 5** (with s. 97); [S.I. 2012/2234](#), art. 2(n)(bb)
- F81** Words in s. 39(4)(b) substituted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 77(2)(b)(iii)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(n)
- F82** Word in s. 39(5) repealed (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 77(2)(c)**, 120, **Sch. 10 Pt. 5** (with s. 97); [S.I. 2012/2234](#), art. 2(n)(bb)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

Commencement Information

- I48** S. 39(1)(5) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 4\(l\)](#)
I49 S. 39(1)(5) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)
I50 S. 39(2)-(4)(6)(7) in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

40 Local authorities: duty to provide information on request

- (1) This section applies if [^{F68}DBS] is considering—
 - (a) whether to include any person in a barred list;
 - (b) whether to remove any person from a barred list.
- (2) If [^{F68}DBS] thinks that a local authority hold any prescribed information relating to the person, it may require the authority to provide it with the information.
- (3) The local authority must comply with a requirement under subsection (2).
- (4) “Local authority” has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970.

Textual Amendments

- F68** Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), [arts. 1\(1\)](#), [3\(b\)](#) (with Pt. 4)

Commencement Information

- I51** S. 40 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(f\)](#)
I52 S. 40 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(f\)](#)
I53 S. 40(2) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 4\(m\)](#)

Professional bodies and supervisory authorities

41 Registers: [^{F83}power] to refer

- (1) A keeper of a relevant register [^{F84}may] provide [^{F68}DBS] with any ^{F85}... information he holds relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the keeper thinks—
 - (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
 - (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
 - (c) that the harm test is satisfied.
- (3) The harm test is that the person may—
 - (a) harm a child or vulnerable adult,
 - (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,
 - (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (4) The second condition is that the keeper thinks—
- (a) that the person is [^{F86}or has been, or might in future be, engaged] in regulated activity ^{F87}..., and
 - (b) (except in a case where paragraph 1 [^{F88}or 7] of Schedule 3 applies) that [^{F68}DBS] may consider it appropriate for the person to be included in a barred list.
- (5) A keeper of a relevant register may provide [^{F68}DBS] with any ^{F89}... information he holds relating to a person if—
- (a) he thinks that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and
 - (b) the condition in subsection (4) is satisfied.
- (6) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the keeper to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- (7) In this section—
- (a) a relevant register is a register appearing in column 1 of the following table, and
 - (b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

<i>Relevant register</i>	<i>Keeper of the register</i>
1. The register of teachers maintained under section 3 of the Teaching and Higher Education Act 1998 (c. 30)	[^{F90} The General Teaching Council for Wales]
2. [^{F91} The register maintained under article 19 of the Pharmacy Order 2010]	[^{F92} The registrar appointed under article 18 of that Order.]
3. [^{F93} Any of] the lists of medical practitioners kept under section 2 of the Medical Act 1983 (c. 54)	The registrar of the General Medical Council
4. The dentists register kept under section 14 of the Dentists Act 1984 (c. 24) or the dental care professionals register kept under section 36B of that Act	The registrar appointed under section 14 of that Act
5. The register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989 (c. 44), or the register of persons undertaking training as optometrists or the register of persons undertaking training as dispensing opticians	The registrar of the General Optical Council

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

maintained under section 8A of that Act	
6. The register of osteopaths maintained under section 2 of the Osteopaths Act 1993 (c. 21)	The Registrar of Osteopaths
7. The register of chiropractors maintained under section 2 of the Chiropractors Act 1994 (c. 17)	The Registrar of Chiropractors
8. The register of social workers and social care workers [^{F94} in Wales] maintained [^{F95} under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)]	[^{F96} the registrar appointed under section 81 of that Act]
9. The register of qualified nurses and midwives maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253)	The registrar appointed under Article 4 of that Order
10. The register of members of relevant professions maintained under Article 5 of [^{F97} the Health Professions Order 2001]	The registrar appointed under Article 4 of that Order
[^{F98} 11 The register of social workers in England kept under section 39(1) of the Children and Social Work Act 2017	The registrar appointed under section 39(3)(a) of the Children and Social Work Act 2017 or, in the absence of such an appointment, Social Work England]

(8) The Secretary of State may by order amend the table in subsection (7) by inserting an entry or amending or omitting an entry for the time being contained in the table.

Textual Amendments

- F68** Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(b)** (with Pt. 4)
- F83** Word in s. 41 heading substituted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 75(1)(d)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(j)
- F84** Word in s. 41(1) substituted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 75(1)(a)(i)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(j)
- F85** Word in s. 41(1) repealed (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 75(1)(a)(ii)**, 120, **Sch. 10 Pt. 5** (with s. 97); [S.I. 2012/2234](#), art. 2(j)(bb)
- F86** Words in s. 41(4)(a) substituted (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 75(1)(b)(i)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(j)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- F87** Words in s. 41(4)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(1\)\(b\)\(ii\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(j)(bb)
- F88** Words in s. 41(4)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(1\)\(b\)\(iii\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(j)
- F89** Word in s. 41(5) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(1\)\(c\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(j)(bb)
- F90** Words in s. 41(7) Table substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 2 para. 27\(2\)](#); S.I. 2012/924, art. 2
- F91** Words in s. 41(7) Table substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\), art. 1\(5\), Sch. 4 para. 15\(a\)](#); S.I. 2010/1621, art. 2(1), Sch.
- F92** Words in s. 41(7) Table substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\), art. 1\(5\), Sch. 4 para. 15\(b\)](#); S.I. 2010/1621, art. 2(1), Sch.
- F93** Words in s. 41(7) Table substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 64](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F94** Words in s. 41(7) Table inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 52\(a\)](#); S.I. 2012/1319, art. 2(4)
- F95** Words in s. 41(7) Table substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 54\(a\)](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)
- F96** Words in s. 41(7) Table substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 54\(b\)](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)
- F97** Words in s. 41(7) Table substituted (2.12.2019) by [Children and Social Work Act 2017 \(c. 16\), s. 70\(2\), Sch. 5 para. 47\(l\)](#); S.I. 2019/1436, reg. 2(s)
- F98** Words in s. 41(7) Table inserted (2.12.2019) by [Children and Social Work Act 2017 \(c. 16\), s. 70\(2\), Sch. 5 para. 34](#); S.I. 2019/1436, reg. 2(s)

Commencement Information

- I54** S. 41(1)(5) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 4\(n\)](#)
- I55** S. 41(1)(5)(7)(8) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I56** S. 41(2)-(4)(6) in force at 12.10.2009 by [S.I. 2009/2611, art. 2, Sch.](#)
- I57** S. 41(7) in force at 20.1.2009 for specified purposes by [S.I. 2009/39, art. 2\(1\)\(g\)](#)
- I58** S. 41(8) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(f\)](#)

42 Registers: duty to provide information on request

- (1) This section applies if [F68DBS] is considering—
 - (a) whether to include in a barred list a person who appears on a relevant register;
 - (b) whether to remove such a person from a barred list.
- (2) [F68DBS] may require the keeper of the register to provide it with any prescribed information he holds relating to the person.
- (3) The keeper of the register must comply with a requirement under subsection (2).
- (4) References to a relevant register and the keeper of a relevant register must be construed in accordance with section 41(7).

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

Textual Amendments

F68 Word in ss. 35-42 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(b)** (with Pt. 4)

Commencement Information

I59 S. 42 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(g)**

I60 S. 42 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(g)**

I61 S. 42(2) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(o)**

43 Registers: [^{F99} provision of barring information to keepers of registers]

[^{F100}(1) Subsection (2) applies if—

- (a) [^{F101}DBS] knows or thinks that a person (A) appears on a relevant register, and
- (b) either—
 - (i) A is included in a barred list, or
 - (ii) [^{F101}DBS] is aware that A is subject to a relevant disqualification.

(2) [^{F101}DBS] must—

- (a) notify the keeper of the register of the circumstances mentioned in subsection (1)(b)(i) or (as the case may be) (ii), and
- (b) in the case where A is included in a barred list, provide the keeper of the register with such of the information on which [^{F101}DBS] relied in including A in the list as [^{F101}DBS] considers—
 - (i) to be relevant to the exercise of any function of the keeper, and
 - (ii) otherwise appropriate to provide.

(3) Subsection (4) applies if the keeper of a relevant register applies to [^{F101}DBS] to ascertain in relation to a person (A) whether—

- (a) A is included in a barred list, or
- (b) [^{F101}DBS] is aware that A is subject to a relevant disqualification.

(4) [^{F101}DBS] must notify the keeper of the register as to whether the circumstances are as mentioned in subsection (3)(a) or (as the case may be) (b).

(5) [^{F101}DBS] may (whether on an application by the keeper or otherwise) provide to the keeper of a relevant register such relevant information as [^{F101}DBS] considers appropriate.

(5A) Subsection (5B) applies if—

- (a) a keeper of a register has applied to [^{F102}DBS] to be notified in relation to a person (A) if—
 - (i) A is included in a barred list, or
 - (ii) [^{F102}DBS] is aware that A is subject to a relevant disqualification, and
- (b) the application has not been withdrawn.

(5B) [^{F102}DBS] must notify the keeper of the register if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii).

(5C) For the purposes of subsection (5A)(b) an application is withdrawn if—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (a) the keeper of the register notifies [F¹⁰³DBS] that the keeper no longer wishes to be notified if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii) in relation to A, or
 - (b) [F¹⁰³DBS] cancels the application on either of the following grounds—
 - (i) that the keeper has not answered, within such reasonable period as was required by [F¹⁰³DBS], a request from [F¹⁰²DBS] as to whether the keeper still wishes to be notified if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii), or
 - (ii) that A neither appears in the register nor is being considered for inclusion in the register.
- (5D) A keeper of a relevant register may apply for information under this section, or to be notified under this section, in relation to a person (A) only if—
- (a) A appears in the register, or
 - (b) A is being considered for inclusion in the register.
- (5E) The duties in subsections (2), (4) and (5B) do not apply if [F¹⁰¹DBS]^{F104}... is satisfied that the keeper of the register already has the information concerned.
- (5F) [F¹⁰⁵DBS] may determine the form, manner and contents of an application for the purposes of this section.
- (5G) In this section relevant information is information—
- (a) which—
 - (i) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
 - (ii) is relevant to the exercise of any function of the keeper of the register, but
 - (b) which is not—
 - (i) information that the circumstances are as mentioned in subsection (1)(b)(i) or (ii) in relation to a person,
 - (ii) any information provided under subsection (2)(b), or
 - (iii) information falling within paragraph 19(5) of Schedule 3.
- (5H) The Secretary of State may by order amend subsection (5G).]
- (6) In this section—
- (a) a relevant register is a register appearing in column 1 ^{F106} ... of the table in section 41(7), and
 - (b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.
- (7) A person is subject to a relevant disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to a barred list.

Textual Amendments

- F99** Words in s. 43 heading substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(5\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(1\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- F100** S. 43(1)-(5H) substituted for (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(3\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(k)
- F101** Word in s. 43 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 3\(c\)](#) (with Pt. 4)
- F102** Word in s. 43(5A)(5B) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(d\)](#) (with Pt. 4)
- F103** Word in s. 43(5C) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(d\)](#) (with Pt. 4)
- F104** Words in s. 43(5E) omitted (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 54](#) (with Pt. 4)
- F105** Word in s. 43(5F) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(d\)](#) (with Pt. 4)
- F106** Words in s. 43(6)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(4\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(l)(bb)

Commencement Information

- I62** S. 43(3)-(5) in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(h\)](#)
- I63** S. 43(6) in force at 10.9.2012 by [S.I. 2012/2231, art. 2\(a\)](#)
- I64** S. 43(7) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(g\)](#)
- I65** S. 43(7) in force at 10.9.2012 in so far as not already in force by [S.I. 2012/2231, art. 2\(b\)](#)

^{F107}44 Registers: power to apply for vetting information

.....

Textual Amendments

- F107** S. 44 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(6\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(l)(bb)

45 Supervisory authorities: [^{F108}power] to refer

- (1) A supervisory authority [^{F109}may] provide [^{F110}DBS] with any ^{F111}... information it holds relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the supervisory authority thinks, on the basis of relevant evidence—
 - (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
 - (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
 - (c) that the harm test is satisfied.
- (3) The harm test is that the person may—
 - (a) harm a child or vulnerable adult,
 - (b) cause a child or vulnerable adult to be harmed,
 - (c) put a child or vulnerable adult at risk of harm,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (d) attempt to harm a child or vulnerable adult, or
 - (e) incite another to harm a child or vulnerable adult.
- (4) The second condition is that the supervisory authority thinks—
- (a) that the person is [^{F112}or has been, or might in future be, engaged] in regulated activity ^{F113}... , and
 - (b) (except in a case where paragraph 1 [^{F114}or 7] of Schedule 3 applies) that [^{F110}DBS] may consider it appropriate for the person to be included in a barred list.
- (5) The supervisory authority may provide [^{F110}DBS] with any ^{F115}... information it holds relating to a person if—
- (a) it thinks, on the basis of relevant evidence, that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and
 - (b) the condition in subsection (4) is satisfied.
- ^{F116}(6)
- (7) A supervisory authority is—
- (a) a registration authority within the meaning of section 5 of the Care Standards Act 2000 (c. 14) in respect of its functions under Part 2 of that Act;
 - [^{F117}(aza) the Secretary of State in respect of the Secretary of State's functions under sections 141B to 141E of the Education Act 2002;
 - (azb) the Secretary of State in respect of the Secretary of State's functions under Chapter 1 of Part 4 of the Education and Skills Act 2008;]
 - [^{F118}(aa) the Secretary of State in respect of his functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32) ;]
 - (b) the [^{F119}Welsh Ministers] in respect of its functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32);
 - [^{F120}(c) the Care Quality Commission in respect of its functions under Part 1 of the Health and Social Care Act 2008;]
 - [^{F121}(ca) the Welsh Ministers in respect of their functions under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);]
 - ^{F122}(d)
 - [^{F123}(e) the Welsh Ministers in respect of their functions under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4);]
 - [^{F124}(ea) the Welsh Ministers in the exercise of their functions under Part 10A, Part 11 or Part 12 of the Children Act 1989;]
 - (f) the Public Guardian in the exercise of his functions;
 - (g) Her Majesty's Chief Inspector of Schools in England in the exercise of his functions;
 - (h) Her Majesty's Chief Inspector of Education and Training in Wales in the exercise of his functions;
 - (i) the Charity Commissioners for England and Wales in the exercise of their functions.
- (8) Relevant evidence is evidence obtained by the supervisory authority in the exercise of the functions mentioned in subsection (7).

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (9) The Secretary of State may by order amend subsection (7) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the subsection.
- (10) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the supervisory authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.

Textual Amendments

- F108** Word in s. 45 heading substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(e\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)](#)
- F109** Word in s. 45(1) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(a\)\(i\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)](#)
- F110** Word in ss. 45-47 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 3\(d\) \(with Pt. 4\)](#)
- F111** Word in s. 45(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(a\)\(ii\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)\(bb\)](#)
- F112** Words in s. 45(4)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(b\)\(i\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)](#)
- F113** Words in s. 45(4)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(b\)\(ii\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)\(bb\)](#)
- F114** Words in s. 45(4)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(b\)\(iii\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)](#)
- F115** Word in s. 45(5) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(c\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)\(bb\)](#)
- F116** S. 45(6) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(1\)\(d\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)\(bb\)](#)
- F117** S. 45(7)(aza)(azb) inserted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 2 para. 27\(3\); S.I. 2012/924, art. 2](#)
- F118** S. 45(7)(aa) inserted (23.4.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Supervisory Authorities and Devolution Alignment\) Order 2010 \(S.I. 2010/1073\), arts. 1\(2\), 2](#)
- F119** Words in s. 45(7)(b) substituted (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\(1\), 30\(b\)](#)
- F120** S. 45(7)(c) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 91\(a\); S.I. 2009/462, art. 2\(1\), Sch. 1 para. 35\(bb\)](#)
- F121** S. 45(7)(ca) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\), regs. 2\(1\), 35\(a\)](#)
- F122** S. 45(7)(d) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 91\(b\), Sch. 15 Pt. 1; S.I. 2009/462, art. 2\(1\), Sch. 1 paras. 35\(bb\), 36](#)
- F123** S. 45(7)(e) substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\), regs. 2\(1\), 35\(b\)](#)
- F124** S. 45(7)(ea) inserted (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(Miscellaneous Provisions\) Order 2009 \(S.I. 2009/1797\), arts. 1\(1\), 6](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

Commencement Information

- I66** S. 45(1)(5) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 4\(q\)](#)
- I67** S. 45(1)(5)(7)(9) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)
- I68** S. 45(2)-(4)(6)(8)(10) in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)
- I69** S. 45(7) in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), [art. 2\(1\)\(h\)](#)
- I70** S. 45(9) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 5\(i\)](#)

46 Supervisory authorities: duty to provide information on request

- (1) This section applies if [^{F110}DBS] is considering—
 - (a) whether to include in a barred list a person in relation to whom [^{F110}DBS] thinks that a supervisory authority may have prescribed information;
 - (b) whether to remove such a person from a barred list.
- (2) [^{F110}DBS] may require the supervisory authority to provide it with any prescribed information it holds relating to the person.
- (3) The supervisory authority must comply with a requirement under subsection (2).

Textual Amendments

F110 Word in ss. 45-47 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), [arts. 1\(1\), 3\(d\)](#) (with Pt. 4)

Commencement Information

- I71** S. 46 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(i\)](#)
- I72** S. 46 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), [art. 2\(1\)\(h\)](#)
- I73** S. 46(1)(a)(2) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), [art. 4\(r\)](#)

47 Supervisory authorities: power to apply for [^{F125}certain barring] information

- (1) If a supervisory authority applies to [^{F110}DBS] for information within subsection (2) or (3) relating to a person (B), [^{F110}DBS] must provide the supervisory authority with that information.
- (2) The information within this subsection is—
 - (a) whether B is barred from regulated activity relating to children,
 - ^{F126}(b)
 - ^{F126}(c)
 - ^{F126}(d)
 - ^{F126}(e)
- (3) The information within this subsection is—
 - (a) whether B is barred from regulated activity relating to vulnerable adults,
 - ^{F127}(b)
 - ^{F127}(c)
 - ^{F127}(d)
 - ^{F127}(e)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

(4) A supervisory authority may apply for information under this section only if the information is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).

^{F128}(5)

(6) The Secretary of State may by order amend this section for the purpose of altering the information within subsection (2) or (3).

(7) [^{F129}DBS] may [^{F130}determine] the form, manner and contents of an application for the purposes of this section.

Textual Amendments

F110 Word in ss. 45-47 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(d)** (with Pt. 4)

F125 Words in s. 47 heading substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **76(2)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

F126 S. 47(2)(b)-(e) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **76(2)(c)**, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F127 S. 47(3)(b)-(e) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **76(2)(d)**, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F128 S. 47(5) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **76(2)(e)**, 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

F129 Word in s. 47(7) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(e)** (with Pt. 4)

F130 Word in s. 47(7) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **76(2)(f)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

Commencement Information

I74 S. 47(1)-(4) in force at 10.9.2012 by [S.I. 2012/2231](#), **art. 2(c)**

I75 S. 47(6) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(j)**

I76 S. 47(7) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(s)**

I77 S. 47(7) in force at 10.9.2012 in so far as not already in force by [S.I. 2012/2231](#), **art. 2(d)**

48 Supervisory authorities: notification of barring &c. in respect of children

(1) This section applies if—

(a) a person is ^{F131}... included in the children's barred list,

(b) [^{F132}DBS] becomes aware that a person is subject to a relevant children's disqualification, ^{F133}...

^{F133}(c)

(2) [^{F134}DBS] must notify every interested supervisory authority of the circumstance mentioned in paragraph (a), (b) or (c) (as the case may be) of subsection (1).

(3) A supervisory authority is an interested supervisory authority only if—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (a) it has applied to ^{F135}DBS] to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person, and
 - (b) the application has not been withdrawn.
- (4) A supervisory authority may apply to ^{F136}DBS] under subsection (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).
- (5) For the purposes of subsection (3)(b) an application is withdrawn if the supervisory authority notifies ^{F137}DBS] that it no longer wishes to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person.
- (6) A person is subject to a relevant children's disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the children's barred list.
- (7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this section.
- (8) ^{F138}DBS] may ^{F139}determine] the form, manner and contents of an application for the purposes of this section.

Textual Amendments

- F131** Word in s. 48(1)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(3\)\(a\)\(ii\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)
- F132** Word in s. 48(1) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(f\)](#) (with Pt. 4)
- F133** S. 48(1)(c) and preceding word repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(3\)\(a\)\(v\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)
- F134** Word in s. 48(2) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(f\)](#) (with Pt. 4)
- F135** Word in s. 48(3) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(f\)](#) (with Pt. 4)
- F136** Word in s. 48(4) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(f\)](#) (with Pt. 4)
- F137** Word in s. 48(5) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(f\)](#) (with Pt. 4)
- F138** Word in s. 48(8) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(f\)](#) (with Pt. 4)
- F139** Word in s. 48(8) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(3\)\(f\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(m)

Commencement Information

- I78** S. 48(6) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, [art. 5\(k\)](#)
- I79** S. 48(7)(8) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, [art. 4\(t\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

49 Supervisory authorities: notification of barring &c. in respect of vulnerable adults

- (1) This section applies if—
 - (a) a person is ^{F140}... included in the adults' barred list,
 - (b) [^{F141}DBS] becomes aware that a person is subject to a relevant adults' disqualification, ^{F142}...
 - ^{F142}(c)
- (2) [^{F143}DBS] must notify every interested supervisory authority of the circumstance mentioned in paragraph (a) [^{F144}or (b)] (as the case may be) of subsection (1).
- (3) A supervisory authority is an interested supervisory authority only if—
 - (a) it has applied to [^{F145}DBS] to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person, and
 - (b) the application has not been withdrawn.
- (4) A supervisory authority may apply to [^{F146}DBS] under subsection (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).
- (5) For the purposes of subsection (3)(b) an application is withdrawn if the supervisory authority notifies [^{F147}DBS] that it no longer wishes to be notified if any of the circumstances mentioned in subsection (1) occurs in relation to the person.
- (6) A person is subject to a relevant adults' disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the adults' barred list.
- (7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this section.
- (8) [^{F148}DBS] may [^{F149}determine] the form, manner and contents of an application for the purposes of this section.

Textual Amendments

- F140** Word in s. 49(1)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(4\)\(a\)\(ii\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)
- F141** Word in s. 49(1) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(g)** (with Pt. 4)
- F142** S. 49(1)(c) and preceding word repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(4\)\(a\)\(v\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)
- F143** Word in s. 49(2) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(g)** (with Pt. 4)
- F144** Words in s. 49(2) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(4\)\(b\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)
- F145** Word in s. 49(3) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(g)** (with Pt. 4)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- F146** Word in s. 49(4) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(g)** (with Pt. 4)
- F147** Word in s. 49(5) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(g)** (with Pt. 4)
- F148** Word in s. 49(8) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **48(g)** (with Pt. 4)
- F149** Word in s. 49(8) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 76(4)(f)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

Commencement Information

- I80** S. 49(6) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(l)**
- I81** S. 49(7)(8) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(u)**

50 Provision of information to supervisory authorities

- (1) This section applies if [^{F150}DBS] has information that it thinks is relevant to a supervisory authority.
- (2) [^{F150}DBS][^{F151}may (whether on an application by the authority or otherwise)] provide the supervisory authority with the information.
- (3) Information is relevant to a supervisory authority if—
- it relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
 - is relevant to the exercise of any function of the authority [^{F152}which is mentioned in section 45(7)],
- but does not include information falling within paragraph 19(5) of Schedule 3 [^{F153}or of any circumstance mentioned in section 48(1) or 49(1)] in relation to a person.
- [^{F154}(4) A supervisory authority may apply to [^{F150}DBS] under this section only if the information is required in connection with the exercise of a function of the supervisory authority which is mentioned in section 45(7).
- (5) [^{F155}DBS] may determine the form, manner and contents of an application for the purposes of this section.]

Textual Amendments

- F150** Word in s. 50 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(e)** (with Pt. 4)
- F151** Words in s. 50(2) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 76(5)(a)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)
- F152** Words in s. 50(3)(b) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 76(5)(b)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)
- F153** Words in s. 50(3) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 76(5)(b)(ii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

F154 S. 50(4)(5) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 76\(5\)\(c\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(m\)](#)

F155 Word in s. 50(5) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 48\(h\) \(with Pt. 4\)](#)

Commencement Information

I82 S. 50 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(j\)](#)

I83 S. 50 in force at 22.6.2009 for specified purposes by [S.I. 2009/1503, art. 3](#)

I84 S. 50 in force at 22.4.2010 for specified purposes by [S.I. 2010/1101, art. 4](#)

I85 S. 50 in force at 10.9.2012 in so far as not already in force by [S.I. 2012/2231, art. 2\(e\)](#)

[^{F156}Provision of information to the police [^{F157}etc.]]

Textual Amendments

F156 S. 50A and cross-heading inserted (30.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 88, 116\(1\); S.I. 2009/3096, art. 2\(a\)](#)

F157 Word in s. 50A cross-heading inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 65\(4\) \(with s. 97\); S.I. 2012/2234, art. 2\(aa\)\(ii\)](#)

50A Provision of information to the police [^{F158}etc.]

- (1) [^{F159}DBS] may provide any information it has to a chief officer of police for use for any of the following purposes—
- (a) the prevention, detection and investigation of crime;
 - (b) the apprehension and prosecution of offenders.
 - [^{F160}(c) the appointment of persons who are under the direction and control of the chief officer,
 - (d) any prescribed purpose]
- [[^{F159}DBS] must, for use for any of the purposes mentioned in subsection (1), provide ^{F161}(1A) to any chief officer of police who has requested it a barred list or information as to whether a particular person is barred.
- (1B) [^{F159}DBS] may, for use for the purposes of the protection of children or vulnerable adults, provide to a relevant authority any information which [^{F159}DBS] reasonably believes to be relevant to that authority.
- (1C) [^{F159}DBS] must, for use for the purposes of the protection of children or vulnerable adults, provide to any relevant authority who has requested it information as to whether a particular person is barred.]
- (2) The [^{F162}powers conferred by this section do] not limit any other power of [^{F159}DBS] to provide information for any purpose or to any person.]
- [^{F163}(3) In [^{F164}this section], “a chief officer of police” includes—
- (a) the Chief Constable of the Police Service of Northern Ireland, and
 - (b) the chief constable of [^{F165}the Police Service of Scotland] .]

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- [^{F166}(4) In this section “relevant authority” means—
- (a) the Secretary of State exercising functions in relation to prisons, or
 - (b) a provider of probation services (within the meaning given by section 3(6) of the Offender Management Act 2007).]

Textual Amendments

- F158** Word in s. 50A heading inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 65\(4\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F159** Word in s. 50A substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **3(e)** (with Pt. 4)
- F160** S. 50A(1)(c)(d) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 77\(3\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(n)
- F161** Ss. 50A(1A)-(1C) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 77\(4\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(n)
- F162** Words in s. 50A(2) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 65\(2\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F163** S. 50A(3) inserted (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Regulated Activity, Devolution and Miscellaneous Provisions\) Order 2010 \(S.I. 2010/1154\)](#), arts. 1(1), **12**
- F164** Words in s. 50A(3) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 65\(3\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F165** Words in s. 50A(3)(b) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 53**
- F166** S. 50A(4) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 77\(5\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(n)

Crown

51 Crown application

- (1) Subject to the provisions of this section, this Act and any regulations or orders made under it bind the Crown.
- (2) No contravention by the Crown of any provision of this Act or of any regulations or order made under it makes the Crown criminally liable.
- (3) Despite subsection (2), this Act and any regulations or orders made under it apply to persons in Crown employment (within the meaning of the Employment Rights Act 1996 (c. 18)) as they apply to other persons.
- (4) Subsection (2) of section 6 does not apply in relation to any activity carried out by the Crown.
- (5) Each government department and other body performing functions on behalf of the Crown—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (a) if the department or body engages in regulated activity, is the regulated activity provider in relation to the activity;
 - ^{F167}(b)
- (6) In subsection (5) “body” includes office-holder.
- (7) Nothing in this section is to be taken as in any way affecting Her Majesty in her private capacity (within the meaning of section 38(3) of the Crown Proceedings Act 1947 (c. 44)).

Textual Amendments

F167 S. 51(5)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 66, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

I86 S. 51 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), [art. 4\(k\)](#)
I87 S. 51 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Miscellaneous

52 Referrals: findings of fact immaterial

- (1) For the purposes of the provisions mentioned in subsection (2), it is immaterial whether there is a finding of fact in any proceedings.
- (2) The provisions are—
- section 35(3)(b) and (c);
 - section 36(4)(b) and (c);
 - section 39(2)(b) and (c) and (5)(a);
 - section 41(2)(b) and (c) and (5)(a);
 - section 45(2)(b) and (c) and (5)(a).

Commencement Information

I88 S. 52 in force at 12.10.2009 by [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

53 Fostering

- (1) Despite section 58, this Act applies to activity that is regulated activity by virtue of paragraph 1(5) of Schedule 4.
- (2) Subsection (1) does not affect the operation of this Act in relation to any other activity that is carried out in connection with a foster child.
- (3) Subsection (4) applies if a person (P)—
- (a) makes arrangements for another person to foster a child as a private foster parent, and

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (b) has power to terminate the arrangements.
- (4) P is, if he would not otherwise be, a regulated activity provider in relation to fostering carried out by the foster parent in pursuance of the arrangements.
- (5) The following provisions of this section apply for the purposes of this Act.
- (6) A person fosters a child if he is a foster parent of the child.
- (7) A person is a foster parent if—
 - [^{F168}(a) the person is a local authority foster parent within the meaning of section 105 of the Children Act 1989;]
 - (b) he is a person with whom a child has been placed by a voluntary organisation under section 59(1)(a) of that Act;
 - (c) he is a private foster parent.
- (8) A person is a private foster parent if he falls within subsection (9) and looks after a child—
 - (a) for reward, or
 - (b) in pursuance of an arrangement made by someone other than a member of the child's family.
- (9) A person falls within this subsection if—
 - (a) he fosters the child privately within the meaning of section 66(1) of the Children Act 1989,
 - (b) he would be so fostering the child but for subsection (2) of that section (minimum period of 28 days), or
 - (c) (in the case of a child who has attained the age of 16) he would fall within paragraph (a) or (b) if the child were under the age of 16.
- (10) A person's family includes—
 - (a) the person's foster child;
 - (b) the foster child of any member of the person's family;
 and references to a family relationship and family member are to be construed accordingly.

Textual Amendments

F168 S. 53(7)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014](#) (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **255**

Commencement Information

I89 S. 53 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(1)**

I90 S. 53 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(i)**

54 Devolution: alignment

- (1) The Secretary of State may, by order, make such provision (including provision amending any enactment contained in or made under any Act, including this Act) as he thinks necessary or expedient in consequence of or having regard to any relevant Scottish legislation or relevant Northern Ireland legislation.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (2) An order may—
- ^{F169}(a)
 - (b) confer power to make subordinate legislation (within the meaning given by the Interpretation Act 1978 (c. 30)).
- (3) Relevant Scottish legislation is any provision made by or under an Act of the Scottish Parliament which the Secretary of State thinks—
- (a) corresponds to provision made by or under this Act,
 - ^{F170}(b) or
 - (c) affects the operation of any provision made by or under this Act.
- (4) Relevant Northern Ireland legislation is any provision of such legislation which the Secretary of State thinks—
- (a) corresponds to provision made by or under this Act
 - ^{F171}(b) or
 - (c) affects the operation of any provision made by or under this Act.
- ^{F172}(5)

Textual Amendments

- F169** S. 54(2)(a) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(2\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F170** S. 54(3)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(3\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F171** S. 54(4)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(4\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F172** S. 54(5) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 67\(5\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)

Commencement Information

- I91** S. 54(1)(2) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(m\)](#)
- I92** S. 54(1)(2) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I93** S. 54(3)-(5) in force at 12.10.2009 by [S.I. 2009/2611, art. 2, Sch.](#)

55 Northern Ireland

An Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (legislation for Northern Ireland during suspension of devolved government) which contains a statement that it is made only for purposes corresponding to those of this Act—

- (a) is not subject to paragraph 2 of that Schedule (affirmative resolution of both Houses of Parliament), but

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

- (b) is subject to annulment in pursuance of a resolution of either House of Parliament.

56 Devolution: Wales

^{F173}(1)

- (2) If the exercise of a power to make subordinate legislation under any of the following provisions will have effect in relation to any function of the Welsh Ministers to which the provision applies, or would apply in consequence of the exercise of the power, the Secretary of State must not exercise the power without the consent of the Welsh Ministers—

- (a) section ^{F174}[45(9)];
- (b) section 46(2);
- ^{F175}(c)
- (d) section 48(7) ^{F176}... ;
- (e) section 49(7) ^{F176}... .

- (3) If the exercise of a power to make subordinate legislation under any of the following provisions will have effect in relation to Wales, the Secretary of State must not exercise the power unless he first consults the Welsh Ministers—

- (a) section 5(3);
- ^{F177}(b)
- ^{F177}(c)
- ^{F177}(d)
- ^{F177}(e)
- ^{F177}(f)
- (g) section 35(1);
- (h) section 36(1), (2) or (3);
- (i) section 37(2);
- ^{F178}(j)
- (k) section 40(2);
- (l) section ^{F179}[41(8)];
- (m) section 42(2);
- ^{F180}(n)
- (o) section 64(2);
- (p) section 65;
- (q) paragraph 1(1), 2(1), 7(1) or 8(1) of Schedule 3;
- (r) paragraph 2(1)(f) or ^{F181}[7(1)(f) or (g)] of Schedule 4;
- ^{F182}(s)
- ^{F182}(t)

- (4) A power to make subordinate legislation is a power to make regulations or an order.
- (5) In the application of section 61 to the exercise of a power by the Welsh Ministers by virtue of this section—
 - (a) the reference in subsection (2) of that section to either House of Parliament must be taken to be a reference to the National Assembly for Wales;

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (b) the reference in subsection (3) of that section to each House of Parliament must be taken to be a reference to the Assembly.

Textual Amendments

- F173** S. 56(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(2\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F174** Words in s. 56(2)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(3\)\(a\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)
- F175** S. 56(2)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(3\)\(b\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F176** Words in s. 56(2)(d)(e) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(3\)\(c\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F177** S. 56(3)(b)-(f) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(a\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F178** S. 56(3)(j) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(c\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F179** Words in s. 56(3)(l) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(d\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)
- F180** S. 56(3)(n) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(e\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)
- F181** Words in s. 56(3)(r) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(f\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(iii)
- F182** S. 56(3)(s)(t) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 68\(4\)\(g\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iii)

Commencement Information

- I94** S. 56 in force at 31.12.2007 by [S.I. 2007/3545, art. 2\(e\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

General

57 Damages

- (1) No claim for damages lies in respect of any loss or damage suffered by any person in consequence of—
 - (a) the fact that an individual is included in a barred list;
 - (b) the fact that an individual is not included in a barred list;
 - (c) the provision of ^{F183}... information in pursuance of any of sections 35, 36, 37, 39, 40, 41, 42, 45 and 46.
- (2) Subsection (1)(c) does not apply to the provision of information which is untrue by a person who knows the information is untrue and either—
 - (a) he is the originator of the information and he knew at the time he originated the information that it was not true, or
 - (b) he causes another person to be the originator of the information knowing, at the time the information is originated, that it is untrue.
- (3) Nothing in this Act affects section 8 of the Human Rights Act 1998 (c. 42) as it relates to the power of a court to award damages in respect of an unlawful act of a public authority (within the meaning of that Act).

Textual Amendments

F183 Word in [s. 57\(1\)\(c\)](#) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 69, Sch. 10 Pt. 5](#) (with [s. 97](#)); [S.I. 2012/2234, art. 2\(aa\)\(bb\)\(iv\)](#)

Commencement Information

I95 S. 57 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(m\)](#)

I96 S. 57 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39, art. 2\(1\)\(j\)](#)

58 Family and personal relationships

- (1) This Act does not apply to any activity which is carried out in the course of a family relationship.
- (2) This Act does not apply to any activity which is carried out—
 - (a) in the course of a personal relationship, and
 - (b) for no commercial consideration.
- (3) A family relationship includes a relationship between two persons who—
 - (a) live in the same household, and
 - (b) treat each other as though they were members of the same family.
- (4) A personal relationship is a relationship between or among friends.
- (5) A friend of a person (A) includes a person who is a friend of a member of A's family.
- (6) The Secretary of State may by order provide that an activity carried out in specified circumstances either is or is not—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (a) carried out in the course of a family relationship;
- (b) carried out in the course of a personal relationship.

Commencement Information

- I97** S. 58 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(n\)](#)
- I98** S. 58 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I99** S. 58(6) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(n\)](#)

^{F184}59 Vulnerable adults

Textual Amendments

- F184** S. 59 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 65\(1\), 120, Sch. 10 Pt. 5](#) (with s. 97); [S.I. 2012/2234, art. 2\(b\)\(bb\)](#)

60 Interpretation

(1) In this Act—

- [^{F185} “adult” means a person who has attained the age of 18;]
- “the adults' barred list” must be construed in accordance with section 2(1)(b);
- “barred list” means the children's barred list or the adults' barred list;
- “child” means a person who has not attained the age of 18;
- “the children's barred list” must be construed in accordance with section 2(1)(a);
- [^{F186} “DBS” means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012;]
- “educational institution” includes any training provider (within the meaning of Part 3 of the Education Act 2005 (c. 18)), whether or not the training provider would otherwise be regarded as an institution;
- “employment agency” and “employment business” must be construed in accordance with the Employment Agencies Act 1973 (c. 35);
- “personnel supplier” means—
 - (a) a person carrying on an employment agency or an employment business, or
 - (b) an educational institution which supplies to another person a student who is following a course at the institution, for the purpose of enabling the student to obtain experience of engaging in regulated ^{F187}... activity;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- “supervisory authority” must be construed in accordance with section 45(7);
- “vulnerable adult” [^{F188} means any adult to whom an activity which is a regulated activity relating to vulnerable adults by virtue of any paragraph of paragraph 7(1) of Schedule 4 is provided].

(2) A reference (however expressed) to a person being barred must be construed in accordance with section 3.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

^{F189}(3)

(4) Nothing in this Act affects any power to provide information that exists apart from this Act.

Textual Amendments

- F185** Definition in s. 60(1) inserted (E.W.) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 65\(2\)\(a\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(b)
- F186** Definition in s. 60(1) inserted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), 5 (with Pt. 4)
- F187** Words in s. 60(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 70\(2\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)
- F188** Words in s. 60(1) substituted (E.W.) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 65\(2\)\(b\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(b)
- F189** S. 60(3) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 70\(3\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

Commencement Information

- I100** S. 60 in force at 31.3.2008 for specified purposes for N.I. by [S.I. 2008/930, art. 2\(b\)](#)
- I101** S. 60 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I102** S. 60(1) in force at 31.12.2007 for specified purposes for E.W. by [S.I. 2007/3545, art. 2\(f\)](#)
- I103** S. 60(1)(4) in force at 11.2.2008 for specified purposes for E.W. by [S.I. 2007/3545, art. 4\(p\)](#)

61 Orders and regulations

- (1) Any power under this Act to make orders or regulations is exercisable by statutory instrument.
- (2) Subject to subsections (3) and (4), orders or regulations under this Act are subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An instrument containing provision made—
 - (a) by order under section 5(3),
 - ^{F190}(b)
 - ^{F190}(c)
 - ^{F190}(d)
 - ^{F190}(e)
 - (f) by order under section 54(1) if it contains provision amending any Act or confers power to make subordinate legislation,
 - (g) under section 64(3),
 - (h) in regulations prescribing criteria for the purpose of paragraph 1, 2, 7 or 8 of Schedule 3, [^{F191}or]
 - (i) by order under paragraph 6 or 12 of Schedule 3, ^{F192}...
 - ^{F192}(j)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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

must not be made unless a draft of the instrument is laid before and approved by a resolution of each House of Parliament.

- (4) Subsection (2) does not apply to an order made under section 65, including such an order which contains provision made under section 64 (except subsection (3) of that section).
- (5) A power to make an order or regulations may be exercised so as to make different provision for different purposes.

Textual Amendments

- F190** S. 61(3)(b)-(e) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 71\(a\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)
- F191** Word in s. 61(3)(h) inserted (E.W.) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 71\(b\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(iv)
- F192** S. 61(3)(j) and preceding word repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 71\(c\), Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(iv)

Commencement Information

- I104** S. 61 in force at 31.12.2007 by [S.I. 2007/3545, art. 2\(g\)](#)
- I105** S. 61 in force at 31.3.2008 for specified purposes for N.I. by [S.I. 2008/930, art. 2\(b\)](#)
- I106** S. 61 in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)

62 Transitional provision

Schedule 8 has effect.

Commencement Information

- I107** S. 62 in force at 31.12.2007 for specified purposes by [S.I. 2007/3545, art. 2\(h\)](#)
- I108** S. 62 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(q\)](#)

63 Amendments and repeals

- (1) Schedule 9 contains amendments.
- (2) Schedule 10 contains repeals.

Modifications etc. (not altering text)

- C7** S. 63 extended (Guernsey) (with modifications) (10.12.2009) by [Police Act 1997 \(Criminal Records\) \(Guernsey\) Order 2009 \(S.I. 2009/3215\), art. 4, Sch. 2, Sch. 3](#) (with arts. 6-8)
- C8** S. 63 extended (Jersey) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) Order 2010 \(S.I. 2010/765\), arts. 1\(2\), 4, Sch. 2, Sch. 3](#) (with arts. 6-8)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- C9** S. 63 extended (Isle of Man) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) Order 2010 \(S.I. 2010/764\)](#), arts. 1(2), 4, Sch. 2, **Sch. 3** (with arts. 6-8)

Commencement Information

- I109** S. 63 in force at 12.10.2009 for specified purposes by [S.I. 2009/2610](#), **art. 2(c)** (with arts. 4-23)
- I110** S. 63 in force at 12.10.2009 for specified purposes by [S.I. 2009/2611](#), **art. 2, Sch.**
- I111** S. 63(1) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 2(d)**
- I112** S. 63(1) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 3**
- I113** S. 63(1) in force at 17.12.2008 for specified purposes by [S.I. 2008/3204](#), **art. 2(a)**
- I114** S. 63(1) in force at 20.1.2009 for specified purposes by [S.I. 2009/39](#), **art. 2(1)(l)**
- I115** S. 63(1) in force at 22.6.2009 for specified purposes by [S.I. 2009/1503](#), **art. 2(b)**
- I116** [S. 63\(2\)](#) in force at 30.3.2010 for specified purposes by [S.I. 2010/1101](#), **art. 5**
- I117** [S. 63\(2\)](#) in force at 17.6.2013 for specified purposes by [S.I. 2012/2231](#), **art. 4(a)** (see [S.I. 2013/1180](#), art. 2(b))

64 Supplementary, incidental, consequential &c. provision

- (1) Power to make subordinate legislation under this Act includes power to make—
- such supplementary, incidental or consequential provision, or
 - such transitory, transitional or saving provision,
- as the person making the subordinate legislation thinks necessary or expedient.
- (2) The Secretary of State may by order may make such further provision as he considers appropriate—
- for the general purposes, or any particular purpose, of this Act;
 - in consequence of any provision made by this Act;
 - for giving full effect to this Act or any provision made by it.
- (3) Subordinate legislation under subsection (1) or (2) may amend, repeal, revoke or otherwise modify any enactment (including this Act).
- (4) References in this section to subordinate legislation are to an order or regulations under this Act.
- (5) Nothing in this Act affects the generality of the power conferred by this section.

Commencement Information

- I118** S. 64 in force at 31.12.2007 by [S.I. 2007/3545](#), **art. 2(i)**

65 Commencement

This Act (except this section and section 55) comes into force on such day as the Secretary of State appoints by order.

66 Extent

- (1) Subject to subsections (2) to (4), the preceding provisions of this Act extend only to England and Wales.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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*

- (2) Sections 1, 28, 29 and 55 and Schedule 1 and, so far as relating to those provisions, sections 59 to 61 and 65 also extend to Northern Ireland.
- (3) The amendment of an enactment in Schedule 9 has the same extent as the enactment amended, but the amendments made by paragraph 14 of that Schedule do not extend to Scotland.
- (4) Her Majesty may by Order in Council direct that this Act extends, with such modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.

Commencement Information

I119 S. 66 in force at 31.12.2007 by [S.I. 2007/3545](#), [art. 2\(l\)](#)

67 Short title

This Act may be cited as the Safeguarding Vulnerable Groups Act 2006.

Commencement Information

I120 S. 67 in force at 31.12.2007 by [S.I. 2007/3545](#), [art. 2\(m\)](#)

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

Safeguarding Vulnerable Groups Act 2006 is up to date with all changes known to be in force on or before 25 June 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 34 heading words substituted by [2012 c. 9 s. 72\(3\)\(a\)](#)
- s. 6(8CA) inserted by [S.I. 2016/413 reg. 253\(b\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 13(2) words inserted by [2009 c. 26 s. 82\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(4) words substituted by [2009 c. 26 s. 82\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 21(4) words inserted by [2011 c. 21 Sch. 13 para. 17\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 21 already repealed (10.9.2012) by 2012 c. 9, s. 68, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 22(6) words omitted by [2012 c. 7 Sch. 5 para. 146](#) (This amendment not applied to [legislation.gov.uk](#). S. 22 already repealed (10.9.2012) by 2012 c. 9, s. 68, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 30(2)(a) words substituted by [2009 c. 26 s. 85\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(3) repealed by [2009 c. 26 s. 85\(3\)Sch. 8 Pt. 8](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(4)(a) words substituted by [2009 c. 26 s. 85\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(4)(b) words substituted by [2009 c. 26 s. 85\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(5) repealed by [2009 c. 26 s. 85\(5\)Sch. 8 Pt. 8](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 31(2)(b) and word repealed by [2009 c. 26 s. 87\(3\)\(a\)Sch. 8 Pt. 8](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 31(3)(b) and word repealed by [2009 c. 26 s. 87\(3\)\(a\)Sch. 8 Pt. 8](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 31(4) repealed by [2009 c. 26 s. 87\(3\)\(b\)Sch. 8 Pt. 8](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 31(5) repealed by [2009 c. 26 s. 87\(3\)\(b\)Sch. 8 Pt. 8](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))

- s. 32(3)(a) words substituted by [2009 c. 26 s. 86\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 32(4) repealed by [2009 c. 26 s. 86\(3\)Sch. 8 Pt. 8](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 32(5)(a) words substituted by [2009 c. 26 s. 86\(4\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 32(5)(b) words substituted by [2009 c. 26 s. 86\(4\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 32(8) repealed by [2009 c. 26 s. 86\(5\)Sch. 8 Pt. 8](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 33(1) word substituted by [2012 c. 9 s. 72\(2\)\(a\)](#)
- s. 33(2) word substituted by [2012 c. 9 s. 72\(2\)\(b\)](#)
- s. 34(1) words substituted by [2012 c. 9 s. 72\(3\)\(b\)](#)
- s. 41(7) Table entry substituted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 41(7) Table entry substituted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 41(7) Table words inserted by [S.I. 2024/374 Sch. 5 para. 6](#)
- s. 41(7) Table words substituted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(b\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 43(6)(a) words omitted by [S.I. 2009/1182 Sch. 5 para. 9\(3\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 44(4)(a) words omitted by [S.I. 2009/1182 Sch. 5 para. 9\(4\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 48(1) words substituted by [2012 c. 9 s. 76\(3\)\(a\)\(i\)](#)
- s. 48(1)(a) word inserted by [2012 c. 9 s. 76\(3\)\(a\)\(iii\)](#)
- s. 48(1)(b) word substituted by [2012 c. 9 s. 76\(3\)\(a\)\(iv\)](#)
- s. 48(2) words substituted by [2012 c. 9 s. 76\(3\)\(b\)](#)
- s. 48(3)(a) words substituted by [2012 c. 9 s. 76\(3\)\(d\)](#)
- s. 48(5) words inserted by [2012 c. 9 s. 76\(3\)\(e\)\(i\)](#)
- s. 48(5) words inserted by [2012 c. 9 s. 76\(3\)\(e\)\(iii\)](#)
- s. 48(5) words substituted by [2012 c. 9 s. 76\(3\)\(e\)\(ii\)](#)
- s. 49(1) words substituted by [2012 c. 9 s. 76\(4\)\(a\)\(i\)](#)
- s. 49(1)(a) word inserted by [2012 c. 9 s. 76\(4\)\(a\)\(iii\)](#)
- s. 49(1)(b) word substituted by [2012 c. 9 s. 76\(4\)\(a\)\(iv\)](#)
- s. 49(3)(a) words substituted by [2012 c. 9 s. 76\(4\)\(d\)](#)
- s. 49(5) words inserted by [2012 c. 9 s. 76\(4\)\(e\)\(i\)](#)
- s. 49(5) words inserted by [2012 c. 9 s. 76\(4\)\(e\)\(iii\)](#)

- s. 49(5) words substituted by [2012 c. 9 s. 76\(4\)\(e\)\(ii\)](#)
- Sch. 3 para. 1(2)(3) substituted by [2009 c. 26 s. 89\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 89 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 3 para. 2(2)(3) substituted by [2009 c. 26 s. 89\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 89 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 3 para. 7(2)(3) substituted by [2009 c. 26 s. 89\(4\)](#) (This amendment not applied to legislation.gov.uk. S. 89 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 3 para. 8(2)(3) substituted by [2009 c. 26 s. 89\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 89 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 3 para. 6(1)(a) words inserted by [2012 c. 9 s. 74\(2\)\(a\)](#)
- Sch. 3 para. 6(1)(a) words inserted by [2012 c. 9 s. 74\(2\)\(b\)](#)
- Sch. 3 para. 12(1)(a) words inserted by [2012 c. 9 s. 74\(4\)\(a\)](#)
- Sch. 3 para. 12(1)(a) words inserted by [2012 c. 9 s. 74\(4\)\(b\)](#)
- Sch. 3 para. 24(8) words substituted by [2009 c. 26 s. 89\(6\)](#) (This amendment not applied to legislation.gov.uk. S. 89 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 3 para. 6(1)(a) words substituted by [2012 c. 9 s. 74\(2\)\(c\)](#)
- Sch. 3 para. 12(1)(a) words substituted by [2012 c. 9 s. 74\(4\)\(c\)](#)
- Sch. 5 para. 12(a)(b) substituted by [S.I. 2009/203 art. 14\(3\)](#)
- Sch. 7 para. 1 coming into force by [S.I. 2012/2231 art. 3](#) (Schedule 7 (insofar as it is not already in force) comes into force on the day on which s. 72 of the Protection of Freedoms Act 2012 (c. 9) is brought into force for the purposes of inserting s. 30A into the Safeguarding Vulnerable Groups Act 2006 (c. 47))
- Sch. 7 para. 2 coming into force by [S.I. 2012/2231 art. 3](#) (Schedule 7 (insofar as it is not already in force) comes into force on the day on which s. 72 of the Protection of Freedoms Act 2012 (c. 9) is brought into force for the purposes of inserting s. 30A into the Safeguarding Vulnerable Groups Act 2006 (c. 47))
- Sch. 7 para. 3 coming into force by [S.I. 2012/2231 art. 3](#) (Schedule 7 (insofar as it is not already in force) comes into force on the day on which s. 72 of the Protection of Freedoms Act 2012 (c. 9) is brought into force for the purposes of inserting s. 30A into the Safeguarding Vulnerable Groups Act 2006 (c. 47))
- Sch. 7 para. 4 coming into force by [S.I. 2012/2231 art. 3](#) (Schedule 7 (insofar as it is not already in force) comes into force on the day on which s. 72 of the Protection of Freedoms Act 2012 (c. 9) is brought into force for the purposes of inserting s. 30A into the Safeguarding Vulnerable Groups Act 2006 (c. 47))
- Sch. 7 para. 5 coming into force by [S.I. 2012/2231 art. 3](#) (Schedule 7 (insofar as it is not already in force) comes into force on the day on which s. 72 of the Protection of Freedoms Act 2012 (c. 9) is brought into force for the purposes of inserting s. 30A into the Safeguarding Vulnerable Groups Act 2006 (c. 47))
- Sch. 7 para. 6 coming into force by [S.I. 2012/2231 art. 3](#) (Schedule 7 (insofar as it is not already in force) comes into force on the day on which s. 72 of the Protection of Freedoms Act 2012 (c. 9) is brought into force for the purposes of inserting s. 30A into the Safeguarding Vulnerable Groups Act 2006 (c. 47))
- Sch. 7 para. 1 table words substituted by [2022 asc 1 Sch. 4 para. 21\(3\)](#)

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):

- s. 6(8A)(8B) inserted by [2008 c. 14 Sch. 14 para. 8](#)
- s. 6(8A) word omitted by [S.I. 2016/413 reg. 253\(a\)\(i\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups

- Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 6(8A) words inserted by [S.I. 2016/413 reg. 253\(a\)\(ii\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
 - s. 13(1A) inserted by [2009 c. 26 s. 82\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 13(3A) inserted by [2009 c. 26 s. 82\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 13(6) inserted by [2009 c. 26 s. 82\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 13(11) substituted by [2009 c. 26 s. 82\(7\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 30(2)(aa)(ab) inserted by [2009 c. 26 s. 85\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 30(6A)(6B) inserted by [2009 c. 26 s. 85\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 30A30B substituted for s. 30-32 by [2012 c. 9 s. 72\(1\)](#)
 - s. 32(3)(aa) inserted by [2009 c. 26 s. 86\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 33(3A)-(3D) inserted by [2012 c. 9 s. 72\(2\)\(c\)](#)
 - s. 34A-34C inserted by [2009 c. 26 s. 87\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
 - s. 34ZA inserted by [2012 c. 9 s. 73](#)
 - s. 41(4A)-(4C) inserted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
 - s. 48(2A) inserted by [2012 c. 9 s. 76\(3\)\(c\)](#)
 - s. 49(2A) inserted by [2012 c. 9 s. 76\(4\)\(c\)](#)
 - s. 56(3)(fa) inserted by [2012 c. 9 Sch. 9 para. 68\(4\)\(b\)](#)
 - Sch. 3 para. 5A inserted by [2012 c. 9 s. 74\(1\)](#)
 - Sch. 3 para. 11A inserted by [2012 c. 9 s. 74\(3\)](#)
 - Sch. 4 para. 1(9B)(ia) inserted by [2022 asc 1 Sch. 4 para. 21\(2\)](#)