



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Notices and information

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;
 - (b) a responsible person (within the meaning of section 23) who holds any prescribed information in relation to a person (P) whom he permits to engage in controlled activity.
- (2) A person to whom this subsection applies must provide IBB 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.
- (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.

Status: Point in time view as at 19/05/2008. This version of this provision has been superseded.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Section 35 is up to date with all changes known to be in force on or before 15 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)

- (6) If regulated activity engaged in by P—
- (a) is regulated activity relating to vulnerable adults, and
 - (b) falls within section 16,
- subsection (2) must be read as if for “must” there were substituted “ may ”.
- (7) This section does not apply if the conditions specified in subsection (2) are fulfilled before the section is commenced.

Commencement Information

II S. 35(1) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, art. 4(i)

Status:

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