



# 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;
  - <sup>F1</sup>(b) .....
- (2) A person to whom this subsection applies must provide [<sup>F2</sup>DBS] 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**Status:** Point in time view as at 01/12/2012.

**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 29 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)

<sup>F3</sup>(6) .....

(7) This section does not apply if the conditions specified in subsection (2) are fulfilled before the section is commenced.

#### Textual Amendments

- F1** S. 35(1)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection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)
- F2** 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)
- F3** 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

- I1** S. 35(1) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(i)**
- I2** 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.**
- I3** S. 35(2)-(7) in force at 12.10.2009 by [S.I. 2009/2611](#), art. 2, **Sch.**

**Status:**

Point in time view as at 01/12/2012.

**Changes to legislation:**

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