



# Safeguarding Vulnerable Groups Act 2006

## 2006 CHAPTER 47

### *Professional bodies and supervisory authorities*

#### **43 Registers: [F<sup>1</sup> provision of barring information to keepers of registers]**

[F<sup>2</sup>(1) Subsection (2) applies if—

- (a) ISA 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) ISA is aware that A is subject to a relevant disqualification.

(2) ISA 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 ISA relied in including A in the list as ISA 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 ISA to ascertain in relation to a person (A) whether—

- (a) A is included in a barred list, or
- (b) ISA is aware that A is subject to a relevant disqualification.

(4) ISA 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) ISA may (whether on an application by the keeper or otherwise) provide to the keeper of a relevant register such relevant information as ISA considers appropriate.

(5A) Subsection (5B) applies if—

- (a) a keeper of a register has applied to the Secretary of State to be notified in relation to a person (A) if—

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*Status: Point in time view as at 10/09/2012. This version of this provision has been superseded.*

*Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Section 43 is up to date with all changes known to be in force on or before 30 July 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)*

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- (i) A is included in a barred list, or
    - (ii) the Secretary of State is aware that A is subject to a relevant disqualification, and
  - (b) the application has not been withdrawn.
- (5B) The Secretary of State 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—
- (a) the keeper of the register notifies the Secretary of State 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) the Secretary of State cancels the application on either of the following grounds—
    - (i) that the keeper has not answered, within such reasonable period as was required by the Secretary of State, a request from the Secretary of State 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 ISA or (as the case may be) the Secretary of State is satisfied that the keeper of the register already has the information concerned.
- (5F) The Secretary of State 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 <sup>F3</sup> ... of the table in section 41(7), and

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- (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

- F1** 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\(l\)](#)
- F2** 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\(k\)](#)
- F3** 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

- I1** S. 43(3)-(5) in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(h\)](#)
- I2** S. 43(6) in force at 10.9.2012 by [S.I. 2012/2231, art. 2\(a\)](#)
- I3** S. 43(7) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(g\)](#)
- I4** S. 43(7) in force at 10.9.2012 in so far as not already in force by [S.I. 2012/2231, art. 2\(b\)](#)

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