



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

#### CHAPTER 1

SAFEGUARDING OF VULNERABLE GROUPS

*Main amendments relating to new arrangements: England and Wales*

#### **72 Information about barring decisions**

- (1) For sections 30 to 32 of the Safeguarding Vulnerable Groups Act 2006 (provision of vetting information and information about cessation of monitoring) substitute—

##### **“30A Provision of barring information on request**

- (1) The Secretary of State must provide a person (A) with the information mentioned in subsection (3) in relation to another (B) if—
- (a) A makes an application for the information and pays any fee payable in respect of the application,
  - (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 A falls within column 1 of the table in Schedule 7 in relation to B,
  - (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
  - (c) that B has consented to the provision of the information to A.

*Status: Point in time view as at 10/09/2012.*

*Changes to legislation: Protection of Freedoms Act 2012, Section 72 is up to date with all changes known to be in force on or before 20 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)*

- (3) The information is—
- (a) if A's declaration states that column 2 of the relevant entry refers to children, whether B is barred from regulated activity relating to children, and
  - (b) if A's declaration states that column 2 of the relevant entry refers to vulnerable adults, whether B is barred from regulated activity relating to vulnerable adults.
- (4) 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.
- (5) The Secretary of State may prescribe any fee payable in respect of an application under this section.
- (6) Fees received by the Secretary of State by virtue of this section must be paid into the Consolidated Fund.
- (7) The Secretary of State may determine 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).

### **30B Provision of barring information on registration**

- (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—
- (a) A makes an application to be registered in relation to B and pays any fee payable in respect of the application,
  - (b) the application contains the appropriate declaration, and
  - (c) the Secretary of State has no reason to believe that the declaration is false.
- (3) The appropriate declaration is a declaration by A—
- (a) that A falls within column 1 of the table in Schedule 7 in relation to B,
  - (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
  - (c) that B has consented to the application.
- (4) A's application and registration relate—
- (a) if A's declaration states that column 2 of the relevant entry refers to children, to regulated activity relating to children;
  - (b) if A's declaration states that column 2 of the relevant entry refers to vulnerable adults, to regulated activity relating to vulnerable adults.
- (5) The Secretary of State must notify A if B is barred from regulated activity to which A's registration relates.
- (6) The requirement under subsection (5) is satisfied if notification is sent to any address recorded against A's name in the register.

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- (7) If B consents to the provision of information to A under section 30A, the consent also has effect as consent to any application by A to be registered in relation to B under this section.
  - (8) The Secretary of State may prescribe any fee payable in respect of an application under this section.
  - (9) Fees received by the Secretary of State by virtue of this section must be paid into the Consolidated Fund.
  - (10) The Secretary of State may determine 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).”
- (2) In section 33 of that Act (cessation of registration)—
- (a) in subsection (1) for “32” substitute “ 30B ”,
  - (b) in subsection (2) for “(6)” substitute “ (5) ”, and
  - (c) after subsection (3) insert—
    - “(3A) Circumstances prescribed by virtue of subsection (3) may, in particular, include that—
      - (a) the Secretary of State has asked the registered person (A) to make a renewed declaration within the prescribed period in relation to the person (B) in relation to whom A is registered, and
      - (b) either—
        - (i) A has failed to make the declaration within that period, or
        - (ii) A has made the declaration within that period but the Secretary of State has reason to believe that it is false.
    - (3B) A renewed declaration is a declaration by A—
      - (a) that A falls within column 1 of the table in Schedule 7 in relation to B,
      - (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
      - (c) that B consents to the registration of A in relation to B.
    - (3C) If B consents to the provision of information to A under section 30A, the consent also has effect as consent to the registration of A in relation to B.
    - (3D) Section 34 applies in relation to the making of a declaration in response to a request from the Secretary of State of the kind mentioned in subsection (3A)(a) as it applies in relation to the making of a declaration in an application made for the purposes of section 30B.”
- (3) In section 34 of that Act (declarations under sections 30 and 32)—
- (a) in the heading for “30 and 32” substitute “ 30A and 30B ”, and
  - (b) in subsection (1) for “30 or 32” substitute “ 30A or 30B ”.

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- (4) Omit entry 19 in the table in paragraph 1 of Schedule 7 to that Act (power to add entries to the table).
- (5) In paragraph 2 of Schedule 7 to that Act (power to amend entries in the table) for the words from “any” to the end substitute “ this Schedule ”.
- (6) Omit paragraph 3(1)(b) of Schedule 7 to that Act (barring information where certain activities carried on for the purposes of the armed forces of the Crown) and the word “or” before it.

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**Commencement Information**

- II** S. 72(4)-(6) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(i)

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