



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

CHAPTER 1

SAFEGUARDING OF VULNERABLE GROUPS

Other amendments relating to new arrangements: England and Wales

77 Minor amendments

- (1) In the Policing and Crime Act 2009 omit—
 - (a) section 87(2) (which, if commenced, would insert sections 34A to 34C into the Safeguarding Vulnerable Groups Act 2006 in connection with the notification of proposals to include persons in barred lists), and
 - (b) section 89(6) (which, if commenced, would amend the power of the Secretary of State in the Act of 2006 to examine records of convictions or cautions in connection with barring decisions).
- (2) In section 39 of the Safeguarding Vulnerable Groups Act 2006 (duty of local authorities to refer)—
 - (a) in subsection (1)—
 - (i) for “must” substitute “ may ”, and
 - (ii) omit “prescribed”,
 - (b) in subsection (4)—
 - (i) in paragraph (a), for “engaged or may engage” substitute “ or has been, or might in future be, engaged ”,
 - (ii) also in paragraph (a), omit “or controlled activity”, and
 - (iii) in paragraph (b) for “, 2, 7 or 8” substitute “ or 7 ”,

Status: Point in time view as at 25/05/2018.

Changes to legislation: Protection of Freedoms Act 2012, Section 77 is up to date with all changes known to be in force on or before 07 August 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)

- (c) in subsection (5) omit “prescribed”, and
 - (d) in the heading for “duty” substitute “ power ”.
- (3) In section 50A(1) of that Act (power for ISA to provide information to the police for use for certain purposes), after paragraph (b), insert—
- “(c) the appointment of persons who are under the direction and control of the chief officer,
 - (d) any prescribed purpose”.
- (4) After section 50A(1) of that Act insert—
- “(1A) ISA must, for use for any of the purposes mentioned in subsection (1), provide to any chief officer of police who has requested it a barred list or information as to whether a particular person is barred.
 - (1B) ISA may, for use for the purposes of the protection of children or vulnerable adults, provide to a relevant authority any information which ISA reasonably believes to be relevant to that authority.
 - (1C) ISA 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.”
- (5) After section 50A(3) of that Act insert—
- “(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).”
- (6) After paragraph 5 of Schedule 4 to that Act (regulated activity relating to children) insert—

“Guidance

- 5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.
- (2) Before giving guidance under this paragraph, the Secretary of State must consult the Welsh Ministers.
- (3) The Secretary of State must publish guidance given under this paragraph.
- (4) A regulated activity provider or a personnel supplier must, in exercising any functions under this Act, have regard to guidance for the time being given under this paragraph.”

Commencement Information

- II** S. 77 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\(n\)](#)

Status:

Point in time view as at 25/05/2018.

Changes to legislation:

Protection of Freedoms Act 2012, Section 77 is up to date with all changes known to be in force on or before 07 August 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.