



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Barring

1 **[^{F1}Independent Safeguarding Authority]**

- [^{F2}(1) There shall be a body corporate to be known as the [^{F1}Independent Safeguarding Authority] (“^{F1}ISA”).
- (2) Schedule 1 makes provision relating to [^{F1}ISA].
- (3) Schedule 2 (transfers to [^{F1}ISA]) has effect.]

Textual Amendments

- F1** Words in s. 1 substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 81(2)(3)(m)(i), 116(5)(a)
- F2** S. 1 ceases to have effect (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **112** (with Pt. 4)

Commencement Information

- I1** S. 1 in force at 2.1.2008 for E.W. by [S.I. 2007/3545](#), **art. 3**
- I2** S. 1 in force at 31.3.2008 for N.I. by [S.I. 2008/930](#), **art. 2(a)**

2 **Barred lists**

- (1) [^{F3}DBS] must ^{F4}... maintain—
- the children's barred list;
 - the adults' barred list.
- (2) Part 1 of Schedule 3 applies for the purpose of determining whether an individual is included in the children's barred list.
- (3) Part 2 of that Schedule applies for the purpose of determining whether an individual is included in the adults' barred list.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Cross Heading: Barring is up to date with all changes known to be in force on or before 08 April 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) View outstanding changes

- (4) Part 3 of that Schedule contains supplementary provision.
- (5) In respect of an individual who is included in a barred list, [^{F3}DBS] must keep other information of such description as is prescribed.

Textual Amendments

F3 Word in s. 2 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(a)** (with Pt. 4)

F4 Words in s. 2 omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **4** (with Pt. 4)

Commencement Information

I3 S. 2 in force at 11.2.2008 for specified purposes by S.I. 2007/3545, **art. 4(a)**

I4 S. 2 in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(a)**

I5 S. 2 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, **art. 2, Sch.**

I6 S. 2(2)(3) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(a)**

I7 S. 2(2)-(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(a)**

I8 S. 2(4) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(b)**

I9 S. 2(4) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(v)**

I10 S. 2(5) in force at 31.12.2007 for specified purposes by S.I. 2007/3545, **art. 2(c)**

3 Barred persons

- (1) A reference to a person being barred from regulated activity must be construed in accordance with this section.
- (2) A person is barred from regulated activity relating to children if he is—
 - (a) included in the children's barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the children's barred list.
- (3) A person is barred from regulated activity relating to vulnerable adults if he is—
 - (a) included in the adults' barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Commencement Information

I11 S. 3 in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, **art. 2, Sch.**

I12 S. 3(1)(2)(a) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 2(a)**

I13 S. 3(2)(b)(3)(b) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(a)**

4 Appeals

- (1) An individual who is included in a barred list may appeal to the [^{F5}Upper] Tribunal against—
 - ^{F6}(a)

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- (b) a decision under paragraph [F72,] 3, 5, [F88,] 9 or 11 of [F9]Schedule 3] to include him in the list;
 - (c) a decision under paragraph 17 [F10, 18 or 18A] of that Schedule not to remove him from the list.
- (2) An appeal under subsection (1) may be made only on the grounds that [F11]DBS] has made a mistake—
- (a) on any point of law;
 - (b) in any finding of fact which it has made and on which the decision mentioned in that subsection was based.
- (3) For the purposes of subsection (2), the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact.
- (4) An appeal under subsection (1) may be made only with the permission of the [F5]Upper] Tribunal.
- (5) Unless the [F5]Upper] Tribunal finds that [F11]DBS] has made a mistake of law or fact, it must confirm the decision of [F11]DBS] .
- (6) If the [F5]Upper] Tribunal finds that [F11]DBS] has made such a mistake it must—
- (a) direct [F11]DBS] to remove the person from the list, or
 - (b) remit the matter to [F11]DBS] for a new decision.
- (7) If the [F5]Upper] Tribunal remits a matter to [F11]DBS] under subsection (6)(b)—
- (a) the [F5]Upper] Tribunal may set out any findings of fact which it has made (on which [F11]DBS] must base its new decision); and
 - (b) the person must be removed from the list until [F11]DBS] makes its new decision, unless the [F5]Upper] Tribunal directs otherwise.
- F12(8)
- F12(9)
- F12(10)
- F12(11)

Textual Amendments

- F5** Word in s. 4 inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 222(a)**
- F6** S. 4(1)(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 \(c. 9\)](#), s. 120, **Sch. 9 para. 44(a)**, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(ii)
- F7** Word in s. 4(1)(b) inserted (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. 44(b)(i)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F8** Word in s. 4(1)(b) inserted (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. 44(b)(ii)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F9** Words in s. 4(1)(b) 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 \(c. 9\)](#), s. 120, **Sch. 9 para. 44(b)(iii)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)

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- F10** Words in s. 4(1)(c) 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), s. 120, **Sch. 9 para. 44(c)** (with s. 97); S.I. 2012/2234, art. 2(aa)(ii)
- F11** Word in s. 4 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(a)** (with Pt. 4)
- F12** S. 4(8)-(11) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 222(b)**

Modifications etc. (not altering text)

- C1** S. 4 applied (7.4.2008) by The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008 (S.I. 2008/473), arts. 1(1), **4(6)**
- C2** S. 4 applied (7.4.2008) by The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008 (S.I. 2008/473), arts. 1(1), **2(6)**
- C3** S. 4 transfer of functions (3.11.2008) by First-tier Tribunal and Upper Tribunal (Chambers) Order 2008 (S.I. 2008/2684), arts. 1, **7(a)(vi)**

Commencement Information

- I14** S. 4(1)-(7)(9)-(11) in force at 19.5.2008 by S.I. 2008/1320, **art. 2(b)**
- I15** S. 4(8) in force at 31.12.2007 by S.I. 2007/3545, **art. 2(d)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(8A)(8B) inserted by [2008 c. 14 Sch. 14 para. 8](#)
- s. 6(8A) word omitted by [S.I. 2016/413 reg. 253\(a\)\(i\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 6(8A) words inserted by [S.I. 2016/413 reg. 253\(a\)\(ii\)](#) (This amendment comes into force on the day that the amendment to s. 6 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) made by para. 8 of Sch. 14 to the Health and Social Care Act 2008 (c. 14) comes into force)
- s. 13(1A) inserted by [2009 c. 26 s. 82\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(3A) inserted by [2009 c. 26 s. 82\(4\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(6) inserted by [2009 c. 26 s. 82\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 13(11) substituted by [2009 c. 26 s. 82\(7\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(2)(aa)(ab) inserted by [2009 c. 26 s. 85\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30(6A)(6B) inserted by [2009 c. 26 s. 85\(6\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 30A30B substituted for s. 30-32 by [2012 c. 9 s. 72\(1\)](#)
- s. 32(3)(aa) inserted by [2009 c. 26 s. 86\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 33(3A)-(3D) inserted by [2012 c. 9 s. 72\(2\)\(c\)](#)
- s. 34A-34C inserted by [2009 c. 26 s. 87\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 82-87 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- s. 34ZA inserted by [2012 c. 9 s. 73](#)
- s. 41(4A)-(4C) inserted by [S.I. 2009/1182 Sch. 5 para. 9\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. It comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 48(2A) inserted by [2012 c. 9 s. 76\(3\)\(c\)](#)
- s. 49(2A) inserted by [2012 c. 9 s. 76\(4\)\(c\)](#)
- s. 56(3)(fa) inserted by [2012 c. 9 Sch. 9 para. 68\(4\)\(b\)](#)
- Sch. 3 para. 5A inserted by [2012 c. 9 s. 74\(1\)](#)
- Sch. 3 para. 11A inserted by [2012 c. 9 s. 74\(3\)](#)

– Sch. 4 para. 1(9B)(ia) inserted by [2022 asc 1 Sch. 4 para. 21\(2\)](#)