



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Local authority information and referrals

39 Local authorities: [F¹power] to refer

- (1) A local authority [F²may] provide [F³DBS] with any F⁴ ... information they hold relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the local authority thinks—
 - (a) that paragraph 1, 2, 7 or 8 of Schedule 3 applies to the person,
 - (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring after the commencement of this section, or
 - (c) that the harm test is satisfied.
- (3) The harm test is that the person 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.
- (4) The second condition is that the local authority thinks—
 - (a) that the person is [F⁵or has been, or might in future be, engaged] in regulated activity F⁶ ..., and
 - (b) (except in a case where paragraph 1 [F⁷ or 7] of Schedule 3 applies) that [F³DBS] may consider it appropriate for the person to be included in a barred list.
- (5) A local authority may provide [F³DBS] with any F⁸ ... information it holds relating to a person if—
 - (a) the local authority think that a person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 3) occurring before the commencement of this section, and

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- (b) the condition in subsection (4) is satisfied.
- (6) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the local authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 3.
- (7) “Local authority” has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39).

Textual Amendments

- F1** Word in s. 39 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. 77\(2\)\(d\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(n)
- F2** Word in s. 39(1) 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. 77\(2\)\(a\)\(i\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(n)
- F3** 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)
- F4** Word in s. 39(1) 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. 77\(2\)\(a\)\(ii\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(n)(bb)
- F5** Words in s. 39(4)(a) 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. 77\(2\)\(b\)\(i\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(n)
- F6** Words in s. 39(4)(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. 77\(2\)\(b\)\(ii\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(n)(bb)
- F7** Words in s. 39(4)(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 \(c. 9\), ss. 77\(2\)\(b\)\(iii\), 120](#) (with s. 97); S.I. 2012/2234, art. 2(n)
- F8** Word in s. 39(5) 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. 77\(2\)\(c\), 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(n)(bb)

Commencement Information

- I1** S. 39(1)(5) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 4\(I\)](#)
- I2** S. 39(1)(5) in force at 12.10.2009 in so far as not already in force by [S.I. 2009/2611, art. 2, Sch.](#)
- I3** S. 39(2)-(4)(6)(7) in force at 12.10.2009 by [S.I. 2009/2611, art. 2, Sch.](#)

40 Local authorities: duty to provide information on request

- (1) This section applies if [^{F3}DBS] is considering—
- whether to include any person in a barred list;
 - whether to remove any person from a barred list.
- (2) If [^{F3}DBS] thinks that a local authority hold any prescribed information relating to the person, it may require the authority to provide it with the information.
- (3) The local authority must comply with a requirement under subsection (2).
- (4) “Local authority” has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970.

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Cross Heading: Local authority information and referrals is up to date with all changes known to be in force on or before 24 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](#)

Textual Amendments

- F3** 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)

Commencement Information

- I4** S. 40 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(f)**
- I5** S. 40 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(f)**
- I6** S. 40(2) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 4(m)**

Changes to legislation:

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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\(2\)](#)