
Changes to legislation: *Safeguarding Vulnerable Groups Act 2006, Cross Heading: Representations 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*

SCHEDULES

SCHEDULE 3

BARRED LISTS

Modifications etc. (not altering text)

- C1** Sch. 3 modified (20.1.2009) by [Safeguarding Vulnerable Groups Act 2006 \(Transitory Provisions\) Order 2009 \(S.I. 2009/12\)](#), arts. 1(1), **5**

PART 3

SUPPLEMENTARY

Modifications etc. (not altering text)

- C1** Sch. 3 Pt. 3 modified (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **2(5)**
- C1** Sch. 3 Pt. 3 modified (7.4.2008) by [The Safeguarding Vulnerable Groups Act 2006 \(Transitional Provisions\) Order 2008 \(S.I. 2008/473\)](#), arts. 1(1), **4(5)**

Representations

- 16 (1) A person who is, by virtue of any provision of this Schedule, given an opportunity to make representations must have the opportunity to make representations in relation to all of the information on which [^{F1}DBS] intends to rely in taking a decision under this Schedule.
- (2) Any requirement of this Schedule to give a person an opportunity to make representations does not apply if [^{F1}DBS] does not know and cannot reasonably ascertain the whereabouts of the person.
- (3) The opportunity to make representations does not include the opportunity to make representations that findings of fact made by a competent body were wrongly made.
- (4) Findings of fact made by a competent body are findings of fact made in proceedings before [^{F2}the Secretary of State in the exercise of the Secretary of State's functions under section 141B of the Education Act 2002, or in proceedings before] one of the following bodies or any of its committees—
- ^{F3}(a)
- (b) the General Teaching Council for Wales;
- (c) the Council of the Pharmaceutical Society of Great Britain;
- (d) the General Medical Council;
- (e) the General Dental Council;

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Cross Heading: Representations 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

- (f) the General Optical Council;
- (g) the General Osteopathic Council;
- (h) the General Chiropractic Council;
- (i) the Nursing and Midwifery Council;
- (j) [^{F4}the Health and Care Professions Council];
- (k) the General Social Care Council;
- [^{F5}(l) Social Care Wales]
- [^{F6}(m) Social Work England.]

[^{F7}(4A) The reference in sub-paragraph (4) to “any of its committees” is, in respect of Social Care Wales, to be read as if it were a reference to “any panel established under Part 8 of the Regulation and Inspection of Social Care (Wales) Act 2016”.]

- (5) The Secretary of State may by order amend sub-paragraph (4) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the sub-paragraph.

Textual Amendments

- F1** Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)
- F2** Words in Sch. 3 para. 16(4) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(4)(a)**; S.I. 2012/924, art. 2
- F3** Sch. 3 para. 16(4)(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 27(4)(b)**; S.I. 2012/924, art. 2
- F4** Words in Sch. 3 para. 16(4)(j) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 56(e)**; S.I. 2012/1319, art. 2(4)
- F5** Words in Sch. 3 para. 16(4)(l) substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 55(a)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)
- F6** Sch. 3 para. 16(4)(m) inserted (2.12.2019) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(2), **Sch. 5 para. 35**; S.I. 2019/1436, reg. 2(s)
- F7** Sch. 3 para. 16(4A) inserted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 55(b)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

Commencement Information

- I1** Sch. 3 para. 16 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**
- I2** Sch. 3 para. 16 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**
- I3** Sch. 3 para. 16(5) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320](#), **art. 5(o)**

- 17 (1) This paragraph applies to a person who is included in a barred list (except a person included in pursuance of paragraph 1 or 7) if, before he was included in the list, [^{F1}DBS] was unable to ascertain his whereabouts.
- (2) This paragraph also applies to such a person if—
 - (a) he did not, before the end of any time prescribed for the purpose, make representations as to why he should not be included in the list, and
 - (b) [^{F1}DBS] grants him permission to make such representations out of time.
- (3) If a person to whom this paragraph applies makes such representations after the prescribed time—
 - (a) [^{F1}DBS] must consider the representations, and

Changes to legislation: *Safeguarding Vulnerable Groups Act 2006, Cross Heading: Representations 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*

(b) if it thinks that it is not appropriate for the person to be included in the list concerned, it must remove him from the list.

(4) For the purposes of this paragraph, it is immaterial that any representations mentioned in sub-paragraph (3) relate to a time after the person was included in the list concerned.

Textual Amendments

F1 Word in Sch. 3 paras. 13-21 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(f)(vii)** (with Pt. 4)

Commencement Information

I4 Sch. 3 para. 17 in force at 11.2.2008 for specified purposes by [S.I. 2007/3545](#), **art. 4(a)**

I5 Sch. 3 para. 17 in force at 20.1.2009 in so far as not already in force by [S.I. 2009/39](#), **art. 2(1)(k)**

Changes to legislation:

Safeguarding Vulnerable Groups Act 2006, Cross Heading: Representations 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.

[View outstanding changes](#)

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\(2\)](#)