



# Safeguarding Vulnerable Groups Act 2006

## 2006 CHAPTER 47

### *Professional bodies and supervisory authorities*

#### **43 Registers: [F<sup>1</sup> provision of barring information to keepers of registers]**

[F<sup>2</sup>(1) Subsection (2) applies if—

- (a) [F<sup>3</sup>DBS] knows or thinks that a person (A) appears on a relevant register, and
- (b) either—
  - (i) A is included in a barred list, or
  - (ii) [F<sup>3</sup>DBS] is aware that A is subject to a relevant disqualification.

(2) [F<sup>3</sup>DBS] must—

- (a) notify the keeper of the register of the circumstances mentioned in subsection (1)(b)(i) or (as the case may be) (ii), and
- (b) in the case where A is included in a barred list, provide the keeper of the register with such of the information on which [F<sup>3</sup>DBS] relied in including A in the list as [F<sup>3</sup>DBS] considers—
  - (i) to be relevant to the exercise of any function of the keeper, and
  - (ii) otherwise appropriate to provide.

(3) Subsection (4) applies if the keeper of a relevant register applies to [F<sup>3</sup>DBS] to ascertain in relation to a person (A) whether—

- (a) A is included in a barred list, or
- (b) [F<sup>3</sup>DBS] is aware that A is subject to a relevant disqualification.

(4) [F<sup>3</sup>DBS] must notify the keeper of the register as to whether the circumstances are as mentioned in subsection (3)(a) or (as the case may be) (b).

(5) [F<sup>3</sup>DBS] may (whether on an application by the keeper or otherwise) provide to the keeper of a relevant register such relevant information as [F<sup>3</sup>DBS] considers appropriate.

(5A) Subsection (5B) applies if—

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- (a) a keeper of a register has applied to [F<sup>4</sup>DBS] to be notified in relation to a person (A) if—
    - (i) A is included in a barred list, or
    - (ii) [F<sup>4</sup>DBS] is aware that A is subject to a relevant disqualification, and
  - (b) the application has not been withdrawn.
- (5B) [F<sup>4</sup>DBS] must notify the keeper of the register if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii).
- (5C) For the purposes of subsection (5A)(b) an application is withdrawn if—
- (a) the keeper of the register notifies [F<sup>5</sup>DBS] that the keeper no longer wishes to be notified if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii) in relation to A, or
  - (b) [F<sup>5</sup>DBS] cancels the application on either of the following grounds—
    - (i) that the keeper has not answered, within such reasonable period as was required by [F<sup>5</sup>DBS], a request from [F<sup>4</sup>DBS] as to whether the keeper still wishes to be notified if the circumstances are, or become, as mentioned in subsection (5A)(a)(i) or (as the case may be) (ii), or
    - (ii) that A neither appears in the register nor is being considered for inclusion in the register.
- (5D) A keeper of a relevant register may apply for information under this section, or to be notified under this section, in relation to a person (A) only if—
- (a) A appears in the register, or
  - (b) A is being considered for inclusion in the register.
- (5E) The duties in subsections (2), (4) and (5B) do not apply if [F<sup>3</sup>DBS]<sup>F6</sup> ... is satisfied that the keeper of the register already has the information concerned.
- (5F) [F<sup>7</sup>DBS] may determine the form, manner and contents of an application for the purposes of this section.
- (5G) In this section relevant information is information—
- (a) which—
    - (i) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
    - (ii) is relevant to the exercise of any function of the keeper of the register, but
  - (b) which is not—
    - (i) information that the circumstances are as mentioned in subsection (1)(b)(i) or (ii) in relation to a person,
    - (ii) any information provided under subsection (2)(b), or
    - (iii) information falling within paragraph 19(5) of Schedule 3.
- (5H) The Secretary of State may by order amend subsection (5G).]
- ( 6 ) In this section—
- (a) a relevant register is a register appearing in column 1 <sup>F8</sup> ... of the table in section 41(7), and
  - (b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

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- ( 7 ) A person is subject to a relevant disqualification if he is included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to a barred list.

#### Textual Amendments

- F1** Words in s. 43 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. 75\(5\), 120 \(with s. 97\); S.I. 2012/2234, art. 2\(l\)](#)
- F2** S. 43(1)-(5H) substituted for (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 75\(3\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(k\)](#)
- F3** Word in s. 43 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\(e\) \(with Pt. 4\)](#)
- F4** Word in s. 43(5A)(5B) 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\(1\), 48\(d\) \(with Pt. 4\)](#)
- F5** Word in s. 43(5C) 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\(1\), 48\(d\) \(with Pt. 4\)](#)
- F6** Words in s. 43(5E) 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\(1\), 54 \(with Pt. 4\)](#)
- F7** Word in s. 43(5F) 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\(1\), 48\(d\) \(with Pt. 4\)](#)
- F8** Words in s. 43(6)(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. 75\(4\), 120, Sch. 10 Pt. 5 \(with s. 97\); S.I. 2012/2234, art. 2\(l\)\(bb\)](#)

#### Commencement Information

- I1** S. 43(3)-(5) in force at 11.2.2008 for specified purposes by [S.I. 2007/3545, art. 4\(h\)](#)
- I2** S. 43(6) in force at 10.9.2012 by [S.I. 2012/2231, art. 2\(a\)](#)
- I3** S. 43(7) in force at 19.5.2008 for specified purposes by [S.I. 2008/1320, art. 5\(g\)](#)
- I4** S. 43(7) in force at 10.9.2012 in so far as not already in force by [S.I. 2012/2231, art. 2\(b\)](#)

**Changes to legislation:**

Safeguarding Vulnerable Groups Act 2006, Section 43 is up to date with all changes known to be in force on or before 23 March 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.

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**Changes and effects yet to be applied to :**

- s. 43(6)(a) words omitted by [S.I. 2009/1182 Sch. 5 para. 9\(3\)](#) (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)

**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)