



Safeguarding Vulnerable Groups Act 2006

2006 CHAPTER 47

Professional bodies and supervisory authorities

45 Supervisory authorities: [^{F1}power] to refer

- (1) A supervisory authority [^{F2}may] provide [^{F3}DBS] with any ^{F4}... information it holds relating to a person if the first and second conditions are satisfied.
- (2) The first condition is that the supervisory authority thinks, on the basis of relevant evidence—
 - (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 supervisory authority thinks—
 - (a) that the person is [^{F5}or 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 [^{F3}DBS] may consider it appropriate for the person to be included in a barred list.
- (5) The supervisory authority may provide [^{F3}DBS] with any ^{F8}... information it holds relating to a person if—

Changes to legislation: Safeguarding Vulnerable Groups Act 2006, Section 45 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

- (a) it thinks, on the basis of relevant evidence, that the 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
- (b) the condition in subsection (4) is satisfied.

^{F9}(6)

(7) A supervisory authority is—

- (a) a registration authority within the meaning of section 5 of the Care Standards Act 2000 (c. 14) in respect of its functions under Part 2 of that Act;
- ^{F10}(aza) the Secretary of State in respect of the Secretary of State's functions under sections 141B to 141E of the Education Act 2002;
- (azb) the Secretary of State in respect of the Secretary of State's functions under Chapter 1 of Part 4 of the Education and Skills Act 2008;]
- ^{F11}(aa) the Secretary of State in respect of his functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32) ;]
- (b) the ^{F12}Welsh Ministers] in respect of its functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32);
- ^{F13}(c) the Care Quality Commission in respect of its functions under Part 1 of the Health and Social Care Act 2008;]
- ^{F14}(ca) the Welsh Ministers in respect of their functions under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);]
- ^{F15}(d)
- ^{F16}(e) the Welsh Ministers in respect of their functions under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4);]
- ^{F17}(ea) the Welsh Ministers in the exercise of their functions under Part 10A, Part 11 or Part 12 of the Children Act 1989;]
- (f) the Public Guardian in the exercise of his functions;
- (g) Her Majesty's Chief Inspector of Schools in England in the exercise of his functions;
- (h) Her Majesty's Chief Inspector of Education and Training in Wales in the exercise of his functions;
- (i) the Charity Commissioners for England and Wales in the exercise of their functions.

(8) Relevant evidence is evidence obtained by the supervisory authority in the exercise of the functions mentioned in subsection (7).

(9) The Secretary of State may by order amend subsection (7) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the subsection.

(10) For the purposes of subsection (2)(b) or (5)(a), conduct is inappropriate if it appears to the supervisory 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.

Textual Amendments

- F1** Word in s. 45 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. 76(1)(e), 120 (with s. 97); S.I. 2012/2234, art. 2(m)

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- F2** Word in s. 45(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. **76(1)(a)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)
- F3** Word in ss. 45-47 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(d)** (with Pt. 4)
- F4** Word in s. 45(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. 76(1)(a)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)
- F5** Words in s. 45(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. **76(1)(b)(i)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)
- F6** Words in s. 45(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. 76(1)(b)(ii), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)
- F7** Words in s. 45(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. **76(1)(b)(iii)**, 120 (with s. 97); S.I. 2012/2234, art. 2(m)
- F8** Word in s. 45(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. 76(1)(c), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)
- F9** S. 45(6) 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. 76(1)(d), 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(m)(bb)
- F10** S. 45(7)(aza)(azb) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 27(3)**; S.I. 2012/924, art. 2
- F11** S. 45(7)(aa) inserted (23.4.2010) by The Safeguarding Vulnerable Groups Act 2006 (Supervisory Authorities and Devolution Alignment) Order 2010 (S.I. 2010/1073), arts. 1(2), **2**
- F12** Words in s. 45(7)(b) substituted (12.10.2009) by The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610), arts. 1(1), **30(b)**
- F13** S. 45(7)(c) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 5 para. 91(a)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)
- F14** S. 45(7)(ca) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 35(a)
- F15** S. 45(7)(d) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 91(b), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(bb), 36
- F16** S. 45(7)(e) substituted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 35(b)
- F17** S. 45(7)(ea) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009 (S.I. 2009/1797), arts. 1(1), **6**

Commencement Information

- I1** S. 45(1)(5) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 4(q)**
- I2** S. 45(1)(5)(7)(9) in force at 12.10.2009 in so far as not already in force by S.I. 2009/2611, art. 2, **Sch.**
- I3** S. 45(2)-(4)(6)(8)(10) in force at 12.10.2009 by S.I. 2009/2611, art. 2, **Sch.**
- I4** S. 45(7) in force at 20.1.2009 for specified purposes by S.I. 2009/39, **art. 2(1)(h)**
- I5** S. 45(9) in force at 19.5.2008 for specified purposes by S.I. 2008/1320, **art. 5(i)**

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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\(2\)](#)