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SCHEDULES

SCHEDULE 9

Section 115(1)

CONSEQUENTIAL AMENDMENTS

PART 1

DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

House of Commons Disqualification Act 1975

- 1 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place— “ Commissioner for the Retention and Use of Biometric Material ”.

Commencement Information

I1 Sch. 9 para. 1 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

Northern Ireland Assembly Disqualification Act 1975

- 2 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place— “ Commissioner for the Retention and Use of Biometric Material ”.

Commencement Information

I2 Sch. 9 para. 2 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

Police and Criminal Evidence Act 1984

- 3 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 63 (non-intimate samples), in subsection (3A)(c)(i) (as amended by section 2 of the Crime and Security Act 2010), for “64ZA” substitute “ 63R ”.
- (3) Omit section 64 (as not substituted by section 14(1) of the Crime and Security Act 2010) (destruction of fingerprints and samples).

Commencement Information

I3 Sch. 9 para. 3 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

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Crime and Security Act 2010

- 4 (1) The Crime and Security Act 2010 is amended as follows.
- (2) Omit sections 14, 16 to 19 and 21 to 23 (retention, destruction and use of fingerprints and samples etc.).
- (3) In section 58 (extent) omit subsections (4) and (6) to (8).

Commencement Information
I4 Sch. 9 para. 4 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

PART 2

THE SURVEILLANCE CAMERA COMMISSIONER

House of Commons Disqualification Act 1975

- 5 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—“ Surveillance Camera Commissioner ”.

Commencement Information
I5 Sch. 9 para. 5 in force at 1.7.2012 by S.I. 2012/1205, art. 3(aa)

PART 3

SAFEGUARDS FOR CERTAIN SURVEILLANCE UNDER RIPA

Regulation of Investigatory Powers Act 2000

- 6 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information
I6 Sch. 9 para. 6 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

F17

Textual Amendments
F1 Sch. 9 para. 8 repealed (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 10 Pt. 8 (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(e)(iv)

F18

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Textual Amendments

F1 Sch. 9 para. 8 repealed (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(e)(iv)

9 (1) Section 43 (general rules about grant, renewal and duration of authorisations relating to surveillance and human intelligence sources) is amended as follows.

(2) After subsection (1) insert—

“(1A) Subsection (1)(a) does not apply in relation to an authorisation under section 28 or 29 to which section 32A applies.”

(3) In subsection (9)(c) after “section” insert “ 32A or ”.

Commencement Information

I7 Sch. 9 para. 9 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

F210

Textual Amendments

F2 Sch. 9 paras. 10, 11 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

Commencement Information

I8 Sch. 9 para. 10 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

F211

Textual Amendments

F2 Sch. 9 paras. 10, 11 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

Commencement Information

I9 Sch. 9 para. 11 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

12 (1) Section 65 (the Tribunal) is amended as follows.

(2) In subsection (7) after “but” insert “, subject to subsection (7ZA),”.

(3) After subsection (7) insert—

“(7ZA) The exception in subsection (7) so far as conduct is authorised by, or takes place with the permission of, a judicial authority does not include conduct authorised by an approval given under section 23A or 32A.”

Commencement Information

I10 Sch. 9 para. 12 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

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- 13 In section 67(7) (powers of the Tribunal), at the end of paragraph (a) (and before “and”), insert—
- “(aa) an order quashing an order under section 23A or 32A by the relevant judicial authority (within the meaning of that section);”.

Commencement Information

I11 Sch. 9 para. 13 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 14 In section 71(2) (issue and revision of codes of practice) after “Commissioners” insert “ or the relevant judicial authority (within the meaning of section 23A or 32A) ”.

Commencement Information

I12 Sch. 9 para. 14 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 15 After section 77 (Ministerial expenditure etc.) insert—

“77A Procedure for order of sheriff under section 23A or 32A: Scotland

- (1) This section applies to an application to the sheriff for an order under section 23A or 32A.
- (2) Rules of court must make provision for the purposes of ensuring that an application to which this section applies is dealt with in private and must, in particular—
 - (a) require the sheriff to determine an application in private,
 - (b) secure that any hearing is to be held in private, and
 - (c) ensure that notice of an application (or of any order being made) is not given to—
 - (i) the person to whom the authorisation or notice which is the subject of the application or order relates, or
 - (ii) such a person's representatives.
- (3) The Court of Session's power under section 32 of the Sheriff Courts (Scotland) Act 1971 to regulate and prescribe the procedure and practice to be followed in relation to an application to which this section applies is subject to, but is not otherwise constrained by, sections 23B and 32B and this section.

77B Procedure for order of district judge under section 23A or 32A: Northern Ireland

- (1) The Lord Chancellor may by order make further provision about the procedure and practice to be followed in relation to an application to a district judge (magistrates' courts) in Northern Ireland for an order under section 23A or 32A.
- (2) Such an order may, in particular, provide—
 - (a) for the manner in which, and time within which, an application may be made,

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- (b) that the district judge (magistrates' courts) is to determine an application—
 - (i) in chambers,
 - (ii) in the absence of the person to whom the authorisation or notice which is the subject of the application relates,
 - (c) that any hearing is to be held in private,
 - (d) that notice of an order given is not to be given to—
 - (i) the person to whom the authorisation or notice which is the subject of the order relates, or
 - (ii) such a person's legal representatives.
- (3) An order of the Lord Chancellor under this section may not make provision which, if it were contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of the Northern Ireland Assembly and would deal with a transferred matter (within the meaning of section 4(1) of the Northern Ireland Act 1998).
- (4) The power of the Magistrates' Courts Rules Committee under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) to regulate and prescribe the procedure and practice to be followed in relation to an application to a district judge (magistrates' courts) in Northern Ireland for an order under section 23A or 32A is subject to, but is not otherwise constrained by, sections 23B and 32B and any order made under this section.”

Commencement Information

I13 Sch. 9 para. 15 in force at 1.11.2012 for specified purposes by S.I. 2012/2075, art. 4(e)

- 16 In section 78 (orders, regulations and rules)—
- (a) in subsection (1) after “the Secretary of State” insert “ or the Lord Chancellor ”,
 - (b) in subsection (3)(a)—
 - ^{F3}(i)
 - (ii) after “30(7),” insert “ 32A(7), ”, and
 - (c) in subsection (5) after “the Secretary of State” insert “ or (as the case may be) the Lord Chancellor ”.

Textual Amendments

F3 Sch. 9 para. 16(b)(i) repealed (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 10 Pt. 8 (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(e)(iv)

Commencement Information

I14 Sch. 9 para. 16 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 17 After section 81(8) (general interpretation) insert—
- “(9) References in this Act to provision which, if it were contained in an Act of the Northern Ireland Assembly, would deal with a Northern Ireland transferred matter or (as the case may be) a transferred matter (see sections 23A(7)(b),

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32A(8)(c) and 77B(3)) do not include references to any such provision which would be ancillary to other provision (whether in the Act of the Northern Ireland Assembly or previously enacted) which deals with an excepted or reserved matter (within the meaning given by section 4(1) of the Northern Ireland Act 1998).”

Commencement Information

I15 Sch. 9 para. 17 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

PART 4

VEHICLES LEFT ON LAND

Road Traffic Regulation Act 1984

- 18 (1) Section 102 of the Road Traffic Regulation Act 1984 (charges for removal, storage and disposal of vehicles) is amended as follows.
- (2) In subsection (1)(b) for “, or from land in the open air,” substitute “ or other land ”.
- (3) In subsection (8), in the definition of “appropriate authority”, in paragraph (b), for “land in the open air” substitute “ other land ”.

Commencement Information

I16 Sch. 9 para. 18 in force at 1.10.2012 by S.I. 2012/2075, art. 3(g)

Airports Act 1986

- 19 (1) Section 66 of the Airports Act 1986 (functions of operators of designated airports as respects abandoned vehicles) is amended as follows.
- (2) In subsection (2)(a) for the words from “from roads if” to “abandoned” substitute “ illegally, obstructively or dangerously parked, or abandoned or broken down ”.
- (3) In subsection (3)—
- (a) omit paragraph (b) (but not the word “or” at the end of the paragraph), and
- (b) in paragraph (c), for “any of those sections” substitute “ that section ”.
- (4) In the heading, after “abandoned vehicles” insert “ etc. ”.

Commencement Information

I17 Sch. 9 para. 19 in force at 1.10.2012 by S.I. 2012/2075, art. 3(g)

Private Security Industry Act 2001

- 20 (1) The Private Security Industry Act 2001 is amended as follows.
- (2) In section 3(2) (conduct subject to a licence)—

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- (a) after paragraph (h) insert “ or ”, and
 - (b) omit paragraph (j) and the word “or” before it.
- (3) In section 4A(2) (licensable conduct)—
- (a) omit paragraph (a),
 - (b) omit paragraph (b) and the word “or” at the end of the paragraph, and
 - (c) in paragraph (c), omit “other”.
- (4) Omit section 6 (offence of using unlicensed wheel-clampers).
- (5) Omit section 22A (charges for vehicle release: appeals).
- (6) In section 24(4) (orders and regulations) omit the words from “(except” to “or 22A)”.
- (7) In section 25(1) (interpretation) omit the definition of “motor vehicle”.
- (8) In Schedule 2 (activities liable to control) omit the following—
- (a) paragraph 3,
 - (b) paragraph 3A,
 - (c) paragraph 9, and
 - (d) paragraph 9A.

Commencement Information

I18 Sch. 9 para. 20 in force at 1.10.2012 by S.I. 2012/2075, art. 3(g)

PART 5

COUNTER-TERRORISM POWERS

Police and Criminal Evidence Act 1984

- 21 After section 66(2) of the Police and Criminal Evidence Act 1984 (codes of practice in relation to statutory search powers etc.) insert—

“(3) Nothing in this section requires the Secretary of State to issue a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

Commencement Information

I19 Sch. 9 para. 21 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 22 In Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (codes of practice in relation to statutory search powers etc.)—

- (a) the existing provisions become paragraph (1), and
- (b) after that paragraph insert—

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“(2) Nothing in this Article requires the issuing of a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

Commencement Information

I20 Sch. 9 para. 22 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Terrorism Act 2000

23 The Terrorism Act 2000 is amended as follows.

Commencement Information

I21 Sch. 9 para. 23 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

24 In the italic cross-heading before section 40, after “Suspected terrorists” insert “ etc. ”.

Commencement Information

I22 Sch. 9 para. 24 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

25 (1) Section 123 (orders and regulations) is amended as follows.

(2) In subsection (4), after paragraph (aa), insert—

“(ab) section 47AB;”.

(3) In subsection (5), after “paragraph (aa)” insert “ , (ab) ”.

Commencement Information

I23 Sch. 9 para. 25 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

26 (1) Schedule 8 (detention) is amended as follows.

(2) In paragraph 36, in sub-paragraph (1A), for the words from “is” to the end of the sub-paragraph substitute “ is a judicial authority ”.

(3) In paragraph 36 omit—

(a) sub-paragraph (1B),

(b) in sub-paragraph (3AA), the words “or senior judge” in both places where they appear,

(c) in sub-paragraph (4), the words from “but” onwards,

(d) in sub-paragraph (5), the words “or senior judge”, and

(e) sub-paragraph (7).

(4) In paragraph 37(2) omit “or senior judge”.

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Commencement Information

I24 Sch. 9 para. 26 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Regulation of Investigatory Powers Act 2000

- 27 In paragraph 6(3) of Schedule 2 to the Regulation of Investigatory Powers Act 2000 (general requirements relating to the appropriate permission)—
- (a) in paragraph (a)—
 - (i) for “section 44” substitute “ section 47A ”, and
 - (ii) after “(power to stop and search)” insert “ (including that section as it had effect by virtue of the Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631) ”,
 - (b) in paragraph (b)—
 - (i) at the beginning insert “ section 44 of the Terrorism Act 2000 or ”, and
 - (ii) for the words from “had” to “section 44 of the Terrorism Act 2000” substitute “ previously had effect for similar purposes ”, and
 - (c) after “mentioned in” insert “ paragraph 14(1) and (2) of Schedule 6B to that Act of 2000 (see the definition of “senior police officer”), ”.

Commencement Information

I25 Sch. 9 para. 27 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Criminal Justice and Police Act 2001

- 28 In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), after paragraph 69 and the italic cross-heading relating to the Terrorism Act 2000, insert—
- “69A The power of seizure conferred by section 43(4B)(b) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle in relation to a person suspected of being a terrorist).
- 69B The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”

Commencement Information

I26 Sch. 9 para. 28 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

- 29 In Part 2 of that Schedule to that Act (powers of seizure to which section 51 of that Act applies) after paragraph 82 insert—
- “82A The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”.

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Commencement Information

I27 Sch. 9 para. 29 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Police Reform Act 2002

F430

Textual Amendments

F4 Sch. 9 para. 30 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 12 para. 28; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

Police (Northern Ireland) Act 2003

- 31 In paragraph 16 of Schedule 2A to the Police (Northern Ireland) Act 2003 (powers of stop and search for community support officers)—
- (a) in sub-paragraph (1)—
 - (i) for “sections 44(1)(a) and (d) and (2)(b) and 45(2)” substitute “ section 47A(2)(a) and (d), (3)(b) and (6) ”,
 - (ii) in paragraph (d) for “any article” substitute “ anything which is ”, and
 - (iii) also in paragraph (d), for “section 44(1) or (2) of that Act” substitute “ section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b) of that Act ”, and
 - (b) in sub-paragraph (2) for “subsections (1) and (4) of section 45 of” substitute “ subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to, ”.

Commencement Information

I28 Sch. 9 para. 31 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Terrorism Act 2006

- 32 In section 36 of the Terrorism Act 2006 (review of terrorism legislation)—
- (a) in subsections (3) and (4) for “under this section” substitute “ under subsection (2) ”,
 - (b) in subsection (5) after “Parliament” insert “ as soon as the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings ”,
 - (c) in subsection (6) for “to carry out a review under this section” substitute “ under subsection (1) ”, and
 - (d) after subsection (6) insert—

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“(6A) The expenses mentioned in subsection (6) include, in particular, any expenses incurred by the person appointed under subsection (1) in ensuring that another person carries out a review of the kind mentioned in subsection (4A) and reports on it.”

Commencement Information

I29 Sch. 9 para. 32 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Counter-Terrorism Act 2008

- 33 In section 1(1) of the Counter-Terrorism Act 2008 (power to remove documents for examination), after paragraph (b), insert—
- “(ba) section 43(4B) of that Act (search of vehicle in relation to suspected terrorist);
 - (bb) section 43A of that Act (search of vehicle suspected of being used for the purposes of terrorism);”.

Commencement Information

I30 Sch. 9 para. 33 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631)

- 34 The Terrorism Act 2000 (Remedial) Order 2011 is revoked.

Commencement Information

I31 Sch. 9 para. 34 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

PART 6

SAFEGUARDING OF VULNERABLE GROUPS

Modifications etc. (not altering text)

- C1** Sch. 9 Pt. 6 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) \(Amendment\) Order 2012 \(S.I. 2012/1762\)](#), art. 4(3), [Sch. 2](#)
- C2** Sch. 9 Pt. 6 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012 \(S.I. 2012/2591\)](#), arts. 1(2)(3), 4(1)(3), [Sch. 2](#) (with art. 5)
- C3** Sch. 9 Pt. 6 extended (Isle of Man) (with modifications) (with effect in accordance with art. 1(3)(4) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) \(Amendment\) Order 2012 \(S.I. 2012/2598\)](#), arts. 1(2), 4(2), [Sch. 2](#)

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Police Act 1997

35 The Police Act 1997 is amended as follows.

Commencement Information

I32 Sch. 9 para. 35 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

36 In section 113A (criminal record certificates) omit subsection (10).

Commencement Information

I33 Sch. 9 para. 36 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

37 In section 113B (enhanced criminal record certificates) omit subsection (13).

Commencement Information

I34 Sch. 9 para. 37 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

38 In section 113BA(2) (suitability information relating to children) omit paragraphs (b) to (d).

Commencement Information

I35 Sch. 9 para. 38 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

39 In section 113BB(2) (suitability information relating to vulnerable adults) omit paragraphs (b) to (d).

Commencement Information

I36 Sch. 9 para. 39 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

40 (1) Section 119 (sources of information) is amended as follows.

(2) In subsection (2) omit “or for the purposes of section 24 of the Safeguarding Vulnerable Groups Act 2006”.

(3) In subsection (8)—
(a) omit paragraph (c), and

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- (b) in paragraph (d) for “that Act” substitute “ the Safeguarding Vulnerable Groups Act 2006 ”.

Commencement Information

I37 Sch. 9 para. 40 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

- 41 In section 119B(5) (independent monitor) omit paragraphs (d) and (e).

Commencement Information

I38 Sch. 9 para. 41 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

- 42 (1) Section 120A (refusal and cancellation of registration on grounds related to disclosure) is amended as follows.
- (2) In subsection (3A) omit paragraphs (b) and (c).
- (3) Omit subsections (3B) and (3C).
- (4) In subsection (3D)—
- (a) for “subsections (3A) to (3C)” substitute “ subsection (3A) ”,
- (b) for “those subsections” substitute “ that subsection ”, and
- (c) omit the words from “, except” to the end of the subsection.

Commencement Information

I39 Sch. 9 para. 42 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

Safeguarding Vulnerable Groups Act 2006

- 43 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

Commencement Information

I40 Sch. 9 para. 43 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 44 In section 4(1) (appeals)—
- (a) omit paragraph (a),
- (b) in paragraph (b)—
- (i) after “paragraph” insert “ 2, ”,
- (ii) after “5,” insert “ 8, ”, and

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

- (iii) for “that Schedule” substitute “ Schedule 3 ”, and
(c) in paragraph (c) for “or 18” substitute “ , 18 or 18A ”.

Commencement Information

I41 Sch. 9 para. 44 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 45 In section 5(4) (regulated activity)—
(a) omit “section 10(3);”, and
(b) omit “paragraph 4 of Schedule 6”.

Commencement Information

I42 Sch. 9 para. 45 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 46 In section 6(8) (regulated activity providers)—
(a) in paragraph (a), for “paragraph 4(1)(a), (b), (g), (h), (i), (j) or (m) or 8(1)(a), (d) or (e)” substitute “ paragraph 1(9) or 7(9) ”,
(b) omit paragraph (c), and
(c) in paragraph (d)—
(i) for “paragraph (a), (b) or (f) of section 59(10)” substitute “ paragraph 7(3E)(a) or (b) of Schedule 4 ”, and
(ii) for “mentioned in that paragraph” substitute “ exercisable by virtue of that position ”.

Commencement Information

I43 Sch. 9 para. 46 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 47 In section 7(5) (barred person not to engage in regulated activity) omit paragraphs (b) and (c).

Commencement Information

I44 Sch. 9 para. 47 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 48 Omit section 8 (person not to engage in regulated activity unless subject to monitoring).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

I45 Sch. 9 para. 48 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

49 Omit section 9(5) (use of barred person for regulated activity) omit paragraphs (b) and (c).

Commencement Information

I46 Sch. 9 para. 49 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

50 Omit section 10 (use of person not subject to monitoring for regulated activity).

Commencement Information

I47 Sch. 9 para. 50 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

51 Omit section 11 and Schedule 5 (regulated activity provider: failure to check).

Commencement Information

I48 Sch. 9 para. 51 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

52 Omit section 12 and Schedule 6 (personnel suppliers: failure to check).

Commencement Information

I49 Sch. 9 para. 52 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

53 Omit section 13 (educational establishments: check on members of governing body).

Commencement Information

I50 Sch. 9 para. 53 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

54 Omit section 14 (office holders: offences).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

I51 Sch. 9 para. 54 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

55 Omit section 15 (sections 13 and 14: checks).

Commencement Information

I52 Sch. 9 para. 55 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

56 Omit section 16 (exception to requirement to make monitoring check).

Commencement Information

I53 Sch. 9 para. 56 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

57 Omit section 17 (NHS employment).

Commencement Information

I54 Sch. 9 para. 57 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

58 (1) Section 18 (offences: companies etc.) is amended as follows.

- (2) In subsection (1)—
- (a) omit “, 10, 11, 23, 27”, and
 - (b) omit “or Schedule 6”.
- (3) In subsection (2)—
- (a) omit “, 10, 11, 23, 27”, and
 - (b) omit “or Schedule 6”.

Commencement Information

I55 Sch. 9 para. 58 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

59 (1) Section 19 (offences: other persons) is amended as follows.

- (2) Omit subsection (1).
- (3) Omit subsections (3) and (4).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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) Omit subsections (6) and (7).
- (5) In subsection (8)—
 - (a) for “subsections (2)(b) and (3)(b)” substitute “ subsection (2)(b) ”, and
 - (b) omit paragraphs (b) and (c).
- (6) Omit subsection (9).

Commencement Information

I56 Sch. 9 para. 59 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 60 In section 20 (section 19: exclusions and defences) omit subsections (2) to (7).

Commencement Information

I57 Sch. 9 para. 60 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 61 In section 35 (regulated activity providers: duty to refer)—
- (a) in subsection (1), omit paragraph (b), and
 - (b) omit subsection (6).

Commencement Information

I58 Sch. 9 para. 61 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 62 (1) Section 36 (personnel suppliers: duty to refer) is amended as follows.
- (2) In subsection (1) omit “or controlled activity”.
 - (3) In subsection (3)(a) omit “or controlled”.

Commencement Information

I59 Sch. 9 para. 62 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 63 (1) Section 37 (regulated activity providers: duty to provide information on request etc.) is amended as follows.
- (2) In subsection (2)—
 - (a) omit paragraph (b), and
 - (b) in paragraph (d), omit “or controlled”.
 - (3) In subsection (4) omit “or controlled”.

Status: This version of this schedule contains provisions that are prospective.

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(4) In subsection (5) omit “or controlled”.

Commencement Information

I60 Sch. 9 para. 63 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

64 In section 41(7) (registers: duty to refer), in the table, in column 1 of entry 3 for “Either of” substitute “ Any of”.

Commencement Information

I61 Sch. 9 para. 64 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

65 (1) Section 50A (provision of information to the police) is amended as follows.

(2) In subsection (2) for “power conferred by subsection (1) does” substitute “ powers conferred by this section do ”.

(3) In subsection (3) for “subsection (1)” substitute “ this section ”.

(4) In the heading to section 50A, and in the italic cross-heading before it, after “police” insert “ etc. ”.

Commencement Information

I62 Sch. 9 para. 65 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

66 In section 51(5) (Crown application) omit paragraph (b).

Commencement Information

I63 Sch. 9 para. 66 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

67 (1) Section 54 (devolution: alignment) is amended as follows.

(2) In subsection (2) omit paragraph (a).

(3) In subsection (3) omit paragraph (b) (but not the word “or” at the end of it).

(4) In subsection (4) omit paragraph (b) (but not the word “or” at the end of it).

(5) Omit subsection (5).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

I64 Sch. 9 para. 67 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 68 (1) Section 56 (devolution: Wales) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2)—
- (a) in paragraph (a) for “45(1), (5) or (9)” substitute “ 45(9) ”,
 - (b) omit paragraph (c), and
 - (c) in paragraphs (d) and (e), omit “or (8)”.
- (4) In subsection (3)—
- (a) omit paragraphs (b) to (f),
 - (b) after paragraph (f) insert—
“ (fa) section 34ZA(7), ”,
 - (c) omit paragraph (j),
 - (d) in paragraph (l) for “41(1), (5) or (8)” substitute “ 41(8) ”,
 - (e) omit paragraph (n),
 - (f) in paragraph (r) for “7(1)(f)” substitute “ 7(1)(f) or (g) ”, and
 - (g) omit paragraphs (s) and (t).

Commencement Information

I65 Sch. 9 para. 68(1)-(3) (4)(a) (4)(c)-(g) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iii\)](#)

- 69 In section 57(1)(c) (damages) omit “prescribed”.

Commencement Information

I66 Sch. 9 para. 69 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 70 (1) Section 60 (interpretation) is amended as follows.
- (2) In subsection (1), in paragraph (b) of the definition of “personnel supplier”, omit “or controlled”.
- (3) Omit subsection (3).

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Commencement Information

I67 Sch. 9 para. 70 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 71 In section 61(3) (orders and regulations)—
- (a) omit paragraphs (b) to (e),
 - (b) at the end of paragraph (h) insert “ or ”, and
 - (c) omit paragraph (j) and the word “or” before it.

Commencement Information

I68 Sch. 9 para. 71 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 72 (1) Schedule 3 (barred lists) is amended as follows.
- (2) In paragraph 24, omit sub-paragraphs (8) and (9).
 - (3) In paragraph 25(1) after “will” insert “ or (as the case may be) may ”.

Commencement Information

I69 Sch. 9 para. 72 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 73 (1) Schedule 7 (vetting information) is amended as follows.
- (2) In paragraph 1—
 - (a) for “sections 30 and 32” substitute “ sections 30A and 30B ”, and
 - (b) omit entries 3, 4, 7, 8 and 17 in the table.
 - (3) Omit paragraph 3(3).
 - (4) In the heading to the Schedule for “VETTING INFORMATION” substitute “ BARRING INFORMATION ”.

Commencement Information

I70 Sch. 9 para. 73 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 74 In Schedule 8 (transitional provisions) omit paragraph 5.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

- I71** Sch. 9 para. 74 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

- 75 The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) is amended as follows.

Commencement Information

- I72** Sch. 9 para. 75 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 76 (1) Article 2 (interpretation) is amended as follows.
- (2) In the first paragraph (2)—
- (a) omit the definition of “institution of further education”, and
 - (b) in the definition of “personnel supplier”, in sub-paragraph (b), omit “or controlled”.
- (3) Renumber the second paragraph (2) as paragraph (2A).
- (4) Omit paragraph (3).

Commencement Information

- I73** Sch. 9 para. 76 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 77 In Article 8(1) (appeals)—
- (a) omit sub-paragraph (a),
 - (b) in sub-paragraph (b)—
 - (i) after “paragraph” insert “ 2, ”,
 - (ii) after “5,” insert “ 8, ”, and
 - (iii) for “that Schedule” substitute “ Schedule 1 ”, and
 - (c) in sub-paragraph (c) for “or 18” substitute “ , 18 or 18A ”.

Commencement Information

- I74** Sch. 9 para. 77 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 78 In Article 9(4) (regulated activity), omit sub-paragraphs (c) and (e).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

I75 Sch. 9 para. 78 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 79 In Article 10(8) (regulated activity providers)—
- (a) omit sub-paragraphs (a) and (c), and
 - (b) in sub-paragraph (d)—
 - (i) for “sub-paragraph (a) or (c) of Article 3(10)” substitute “paragraph 7(3E)(a) or (c) of Schedule 2 ”, and
 - (ii) for “mentioned in that paragraph” substitute “exercisable by virtue of that position ”.

Commencement Information

I76 Sch. 9 para. 79 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 80 In Article 11(5) (barred person not to engage in regulated activity) omit sub-paragraphs (b) and (c).

Commencement Information

I77 Sch. 9 para. 80 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 81 Omit Article 12 (person not to engage in regulated activity unless subject to monitoring).

Commencement Information

I78 Sch. 9 para. 81 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 82 In Article 13(5) (use of barred person for regulated activity) omit sub-paragraphs (b) and (c).

Commencement Information

I79 Sch. 9 para. 82 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 83 Omit Article 14 (use of person not subject to monitoring for regulated activity).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

I80 Sch. 9 para. 83 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

84 Omit Article 15 and Schedule 3 (regulated activity provider: failure to check).

Commencement Information

I81 Sch. 9 para. 84 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

85 Omit Article 16 and Schedule 4 (personnel suppliers: failure to check).

Commencement Information

I82 Sch. 9 para. 85 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

86 Omit Article 17 (educational establishments: check on members of governing body).

Commencement Information

I83 Sch. 9 para. 86 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

87 Omit Article 18 (office holders: offences).

Commencement Information

I84 Sch. 9 para. 87 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

88 Omit Article 19 (Articles 17 and 18: checks).

Commencement Information

I85 Sch. 9 para. 88 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

89 Omit Article 20 (exception to requirement to make monitoring check).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

I86 Sch. 9 para. 89 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

90 Omit Article 21 (HSS employment).

Commencement Information

I87 Sch. 9 para. 90 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

91 (1) Article 22 (offences: companies etc.) is amended as follows.

(2) In paragraph (1)—

- (a) omit “, 14, 15, 27, 31”, and
- (b) omit “or Schedule 4”.

(3) In paragraph (2)—

- (a) omit “, 14, 15, 27, 31”, and
- (b) omit “or Schedule 4”.

Commencement Information

I88 Sch. 9 para. 91 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

92 (1) Article 23 (offences: other persons) is amended as follows.

(2) Omit paragraph (1).

(3) Omit paragraphs (3) and (4).

(4) Omit paragraphs (6) and (7).

(5) In paragraph (8)—

- (a) for “paragraphs (2)(b) and (3)(b)” substitute “ paragraph (2)(b) ”, and
- (b) omit sub-paragraphs (b) and (c).

(6) Omit paragraph (9).

Commencement Information

I89 Sch. 9 para. 92 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

93 In Article 24 (Article 23: exclusions and defences), omit paragraphs (2) to (7).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Commencement Information

I90 Sch. 9 para. 93 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 94 In Article 37 (regulated activity providers: duty to refer)—
- (a) in paragraph (1), omit sub-paragraph (b), and
 - (b) omit paragraph (6).

Commencement Information

I91 Sch. 9 para. 94 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 95 (1) Article 38 (personnel suppliers: duty to refer) is amended as follows.
- (2) In paragraph (1) omit “or controlled activity”.
 - (3) In paragraph (3)(a) omit “or controlled”.

Commencement Information

I92 Sch. 9 para. 95 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 96 (1) Article 39 (regulated activity providers: duty to provide information on request etc.) is amended as follows.
- (2) In paragraph (2)—
 - (a) omit sub-paragraph (b), and
 - (b) in sub-paragraph (d), omit “or controlled”.
 - (3) In paragraph (4) omit “or controlled”.
 - (4) In paragraph (5) omit “or controlled”.

Commencement Information

I93 Sch. 9 para. 96 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 97 (1) Article 52A (provision of information to the police) is amended as follows.
- (2) In paragraph (2) for “power conferred by paragraph (1) does” substitute “ powers conferred by this Article do ”.
 - (3) In the heading to Article 52A, after “Police”, insert “ etc. ”.

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Commencement Information

I94 Sch. 9 para. 97 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

98 In Article 53(5) (Crown application), omit sub-paragraph (b).

Commencement Information

I95 Sch. 9 para. 98 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 99 (1) Article 56 (alignment with rest of UK) is amended as follows.
- (2) In paragraph (2) omit sub-paragraph (a).
- (3) In paragraph (3) omit sub-paragraph (b) (but not the word “or” at the end of it).
- (4) In paragraph (4) omit sub-paragraph (b) (but not the word “or” at the end of it).
- (5) Omit paragraph (5).

Commencement Information

I96 Sch. 9 para. 99 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

100 In Article 57(1)(c) (damages) omit “prescribed”.

Commencement Information

I97 Sch. 9 para. 100 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 101 (1) Schedule 1 (barred lists) is amended as follows.
- (2) In paragraph 24, omit sub-paragraphs (8) and (9).
- (3) In paragraph 25(1) after “will” insert “or (as the case may be) “ may ”.

Commencement Information

I98 Sch. 9 para. 101 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 102 (1) Schedule 5 (vetting information) is amended as follows.
- (2) In paragraph 1—

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Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

- (a) for “Articles 32 and 34” substitute “ Articles 32A and 32B ”, and
- (b) omit entries 3, 4, 7, 8 and 17 in the table.

(3) Omit paragraph 3(3).

(4) In the heading to the Schedule for “VETTING INFORMATION” substitute “ BARRING INFORMATION ”.

Commencement Information

I99 Sch. 9 para. 102 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

103 In Schedule 6 (transitional provisions) omit paragraph 5.

Commencement Information

I100 Sch. 9 para. 103 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

PART 7

CRIMINAL RECORDS

Modifications etc. (not altering text)

- C4** Sch. 9 Pt. 7 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(2) (3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) \(Amendment\) Order 2012 \(S.I. 2012/1762\)](#), [art. 4\(4\)](#), [Sch. 3](#)
- C5** Sch. 9 Pt. 7 extended (Jersey) (with modifications) (17.10.2012 coming into force in accordance with art. 1(2)(3)) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012 \(S.I. 2012/2591\)](#), [art. 1\(2\)\(3\)4\(1\)\(4\)](#), [Sch. 3](#) (with art. 5)
- C6** Sch. 9 Pt. 7 extended (Isle of Man) (with modifications) (with effect in accordance with art. 1(3)(4) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) \(Amendment\) Order 2012 \(S.I. 2012/2598\)](#), [arts. 1\(2\), 4\(3\)](#), [Sch. 3](#)

Police Act 1997

104 The Police Act 1997 is amended as follows.

Commencement Information

I101 Sch. 9 para. 104 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

105 In section 113BC(1) (suitability information: power to amend), after paragraph (b), insert “;

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- (c) amend section 120AC(4)(b) in consequence of an order made under paragraph (a) or (b).”

Commencement Information

I102 Sch. 9 para. 105 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

- 106 In section 114(3) (application of other provisions of Part 5 to an application under that section), for “Section 113A(3) to (6)” substitute “ Sections 113A(3) to (6), 120AC and 120AD ”.

Commencement Information

I103 Sch. 9 para. 106 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

- 107 In section 116(3) (application of other provisions of Part 5 to an application under that section), for “and 113BA to 113BC” substitute “ , 113BA to 113BC, 120AC and 120AD ”.

Commencement Information

I104 Sch. 9 para. 107 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

- 108 (1) Section 117 (disputes about accuracy of certificates) is amended as follows.
- (2) In the title, for “accuracy of certificates” substitute “ certificates and up-date information ”.
- (3) After subsection (1A) insert—
- “(1B) Where a person believes that the wrong up-date information has been given under section 116A in relation to the person's certificate, the person may make an application in writing to the Secretary of State for corrected up-date information.”
- (4) In subsection (2)—
- (a) after “inaccurate” insert “ , or that the wrong up-date information has been given, ”, and
- (b) after “new certificate” insert “ or (as the case may be) corrected up-date information ”.
- (5) After subsection (2) insert—
- “(2A) In this section—
- “corrected up-date information”, in relation to a certificate, means information which includes—

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- (a) information that the wrong up-date information was given in relation to the certificate on a particular date, and
 - (b) new up-date information in relation to the certificate,
- “up-date information” has the same meaning as in section 116A.”

Commencement Information

I105 Sch. 9 para. 108 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(i\)](#)

- 109 (1) Section 118 (evidence of identity) is amended as follows.
- (2) In subsection (1)—
- (a) after “consider” insert “ an application as mentioned in section 116A(4)(a) or (5)(a) or ”, and
 - (b) after “117” insert “ , 117A ”.
- (3) After subsection (3) insert—
- “(3A) The Secretary of State by notice given in writing may require a person who has a certificate which is subject to up-date arrangements under section 116A to attend at a place and time specified in the notice to provide fingerprints for the sole purpose of enabling the Secretary of State to verify whether information in the possession of the Secretary of State that the Secretary of State considers may be relevant to the person's certificate does relate to that person.
- (3B) If a person fails to comply with a requirement imposed under subsection (3A), the Secretary of State by notice given in writing may inform that person that, from a date specified in the notice, the person's certificate is to cease to be subject to up-date arrangements.”
- (4) In subsection (4) after “117” insert “ or 117A ”.

Commencement Information

I106 Sch. 9 para. 109(1)(2)(b)(4) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vii\)](#)

I107 Sch. 9 para. 109(2)(a)(3) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(ii\)](#)

- 110 (1) Section 119 (sources of information) is amended as follows.
- (2) In subsection (1A), after paragraph (a) (but before the word “or” at the end of the paragraph) insert—
- “(aa) the provision of up-date information under section 116A;”.
- (3) In subsection (1B), for the words from “determining” to the end substitute “ deciding whether to make a request to that chief officer under section 113B(4) ”.
- (4) After subsection (2) insert—
- “(2A) Where, in connection with the provision of up-date information under section 116A, the chief officer of a police force receives a request for

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information of the kind mentioned in section 113B(4), the chief officer of police must comply with it as soon as practicable.”

- (5) In subsection (4), at the end of paragraph (a), after “registration;” insert—
“(aa) any application as mentioned in section 116A(4)(a) or (5)(a);”.
- (6) In subsection (8), at the end of paragraph (a), insert—
“(aa) under this Part in relation to any request under section 116A(1);”.

Commencement Information

- I108** Sch. 9 para. 110(1)(3) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(viii\)](#)
- I109** Sch. 9 para. 110(2)(4)-(6) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(ii\)](#)

- 111 (1) Section 119B (independent monitor) is amended as follows.
- (2) Omit subsection (5)(a).
- (3) In subsection (5)(c), omit the words from “or disclosed” to the end.
- (4) After subsection (5)(c) insert—
“(ca) a sample of cases in which the chief officer of a police force has decided that information should be disclosed or not disclosed to the Secretary of State for the purpose of the provision by the Secretary of State of up-date information under section 116A.”
- (5) After subsection (8) insert—
“(8A) The independent monitor has the functions conferred on the monitor by section 117A.”
- (6) In subsection (9) after “section” insert “ or section 117A ”.

Commencement Information

- I110** Sch. 9 para. 111(1)-(3)(5)(6) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ix\)](#)
- I111** Sch. 9 para. 111(4) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(ii\)](#)

- 112 (1) Section 120 (registered persons) is amended as follows.
- (2) In subsection (2)—
- (a) for the words from the beginning to “the”, where it first occurs, substitute “ The ”,
- (b) after paragraph (a) insert “ and ”, and
- (c) omit paragraph (c) and the word “and” before it.
- (3) After that subsection insert—
“(2A) Subsection (2) is subject to—
(a) regulations under section 120ZA,

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- (b) section 120A, and
- (c) section 120AA and regulations made under that section.”

Commencement Information

I112 Sch. 9 para. 112 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(x\)](#)

113 After section 122(1) (code of practice) insert—

“(1A) The reference in subsection (1) to the use of information provided to registered persons under this Part includes a reference to the use of information provided in accordance with section 116A(1) to relevant persons (within the meaning of that section) who are not registered persons under this Part.”

Commencement Information

I113 Sch. 9 para. 113 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(iii\)](#)

PROSPECTIVE

114 Omit section 122(3A)(a) (power of Secretary of State to refuse to issue certificate where failure to comply with code of practice by, or in connection with, registered person).

115 (1) Section 124 (offences: disclosure) is amended as follows.

(2) In subsection (4)—

- (a) in paragraph (b), omit “(5) or”, and
- (b) for “subsections (5) and (6)” substitute “ subsection (6) ”.

(3) Omit subsection (5).

Commencement Information

I114 Sch. 9 para. 115 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(x\)](#)

116 (1) Section 124A (offences relating to disclosure of information obtained in connection with delegated function) is amended as follows.

(2) In subsection (1)(c) omit “or registered person”.

(3) After subsection (6) insert—

“(6A) For the purposes of this section the reference to an applicant includes a person who makes a request under section 116A(1), 120AC(1) or 120AD(2).”

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Commencement Information

I115 Sch. 9 para. 116(1)(3) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(xi\)](#)

117 After section 125B(2) (form of applications) insert—

“(3) In this section “application” includes a request under section 116A(1), 120AC(1) or 120AD(2).”

Commencement Information

I116 Sch. 9 para. 117 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(xii\)](#)

118 In section 126(1) (interpretation of Part 5), in the definition of “certificate”, after “application” insert “but does not include any documents issued in response to—

- (a) a request under section 116A(1),
- (b) an application as mentioned in section 116A(4)(a) or (5)(a), or
- (c) a request under section 120AC or 120AD.”

Commencement Information

I117 Sch. 9 para. 118 in force at 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 [S.I. 2012/2234](#), [art. 2\(aa\)\(xiii\)](#)

I118 Sch. 9 para. 118 in force at 17.6.2013 in so far as not already in force by [S.I. 2013/1180](#), [art. 2\(e\)\(iv\)](#)

Gambling Act 2005

119 In section 73(3) of the Gambling Act 2005 (procedure on consideration of application for licence)—

- (a) for “section 115” substitute “ section 113B ”, and
- (b) at the end (and on a new line below paragraph (b)) insert “ or the production of up-date information (within the meaning given by section 116A of that Act) in relation to such a certificate, ”.

Commencement Information

I119 Sch. 9 para. 119(a) in force at 17.6.2013 for E.W. by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

I120 Sch. 9 para. 119(b) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

National Health Service Act 2006

120 The National Health Service Act 2006 is amended as follows.

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Commencement Information

I121 Sch. 9 para. 120 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

- 121 In section 129(6) (regulations as to pharmaceutical services), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

Commencement Information

I122 Sch. 9 para. 121 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

- 122 In section 132(4) (persons authorised to provide pharmaceutical services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

Commencement Information

I123 Sch. 9 para. 122 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

- 123 In section 147A(3) (performers of pharmaceutical services and assistants), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

Commencement Information

I124 Sch. 9 para. 123 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

National Health Service (Wales) Act 2006

- 124 The National Health Service (Wales) Act 2006 is amended as follows.

Commencement Information

I125 Sch. 9 para. 124 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

- 125 In section 72(3) (regulations as to general ophthalmic services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

Commencement Information

I126 Sch. 9 para. 125 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

Status: This version of this schedule contains provisions that are prospective.

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- 126 In section 83(6) (regulations as to pharmaceutical services), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

Commencement Information

I127 Sch. 9 para. 126 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

- 127 In section 86(4) (persons authorised to provide pharmaceutical services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

Commencement Information

I128 Sch. 9 para. 127 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

- 128 In section 105(3) (supplementary lists), in paragraph (g), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

Commencement Information

I129 Sch. 9 para. 128 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

Safeguarding Vulnerable Groups Act 2006

- 129 (1) Paragraph 19 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 (barred lists: information) is amended as follows.
- (2) In sub-paragraph (1)(c) for “chief officer of a relevant police force” substitute “ relevant chief officer ”.
- (3) In sub-paragraph (3) after “which the” insert “ relevant ”.
- (4) In sub-paragraph (5) for “chief officer of the relevant police force” substitute “ relevant chief officer ”.
- (5) In sub-paragraph (7) for the definition of “relevant police force” substitute—
- ““the relevant chief officer” means any chief officer of a police force who is identified by the Secretary of State for the purposes of this paragraph;”.
- (6) After sub-paragraph (7) insert—
- “(7A) Subsections (10) and (11) of section 113B of the Police Act 1997 apply for the purposes of the definition of “the relevant chief officer” as they apply for the purposes of that section.”
- (7) In sub-paragraph (8) for “which police forces are relevant police forces” substitute “ who is the relevant chief officer ”.

Status: This version of this schedule contains provisions that are prospective.

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Commencement Information

I130 Sch. 9 para. 129 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(xiv\)](#)

PART 8

THE DISCLOSURE AND BARRING SERVICE

Parliamentary Commissioner Act 1967

- 130 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) insert at the appropriate place— “ Disclosure and Barring Service. ”

Commencement Information

I131 Sch. 9 para. 130 in force at 15.10.2012 by [S.I. 2012/2521](#), [art. 2\(e\)](#)

House of Commons Disqualification Act 1975

- 131 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place— “ The Disclosure and Barring Service. ”
- (3) In Part 3 (other disqualifying offices) insert at the appropriate place— “ Member of the staff of the Disclosure and Barring Service. ”

Commencement Information

I132 Sch. 9 para. 131 in force at 15.10.2012 by [S.I. 2012/2521](#), [art. 2\(e\)](#)

Northern Ireland Assembly Disqualification Act 1975

- 132 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place— “ The Disclosure and Barring Service. ”
- (3) In Part 3 (other disqualifying offices) insert at the appropriate place— “ Member of the staff of the Disclosure and Barring Service. ”

Commencement Information

I133 Sch. 9 para. 132 in force at 15.10.2012 by [S.I. 2012/2521](#), [art. 2\(e\)](#)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Freedom of Information Act 2000

- 133 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) insert at the appropriate place— “ The Disclosure and Barring Service.”

Commencement Information

I134 Sch. 9 para. 133 in force at 15.10.2012 by S.I. 2012/2521, art. 2(e)

PART 9

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC.

Rehabilitation of Offenders Act 1974

- 134 (1) Section 1 of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions) is amended as follows.
- (2) In subsection (1) for “subsection (2)” substitute “ subsections (2), (5) and (6) ”.
- (3) After subsection (4) insert—
- “(5) This Act does not apply to any disregarded conviction or caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012.
- (6) Accordingly, references in this Act to a conviction or caution do not include references to any such disregarded conviction or caution.”

Commencement Information

I135 Sch. 9 para. 134 in force at 1.10.2012 by S.I. 2012/2234, art. 3(o)

Police Act 1997

- 135 In section 113A(6) of the Police Act 1997 (criminal record certificates), in paragraph (b) of the definition of “relevant matter”, after “that Act” insert “ but excluding a disregarded caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 ”.

Commencement Information

I136 Sch. 9 para. 135 in force at 1.10.2012 by S.I. 2012/2234, art. 3(o)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

PART 10

TRAFFICKING PEOPLE FOR EXPLOITATION

Children and Young Persons Act 1933

F⁵136

Textual Amendments

F5 Sch. 9 para. 136 omitted (31.7.2015) by virtue of Modern Slavery Act 2015 (c. 30), s. 61(1), Sch. 5 para. 9(3); S.I. 2015/1476, reg. 2(j) (with regs. 38)

Commencement Information

I137 Sch. 9 para. 136 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 3(b), 5-8)

Police and Criminal Evidence Act 1984

137 In section 65A of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police: meaning of “qualifying offence”), in subsection (2) (p), for “59” substitute “59A”.

Commencement Information

I138 Sch. 9 para. 137 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 5-8)

Proceeds of Crime Act 2002

F⁶138

Textual Amendments

F6 Sch. 9 para. 138 omitted (31.7.2015) by virtue of Modern Slavery Act 2015 (c. 30), s. 61(1), Sch. 5 para. 9(3); S.I. 2015/1476, reg. 2(j) (with regs. 38)

Commencement Information

I139 Sch. 9 para. 138 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 3(b), 5-8)

Criminal Justice Act 2003

139 In Part 2 of Schedule 15 to the Criminal Justice Act 2003 (sentencing of dangerous offenders: specified sexual offences), after paragraph 143, insert—
“143A An offence under section 59A of that Act (trafficking for sexual exploitation).”

Commencement Information

I140 Sch. 9 para. 139 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 5-8)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Sexual Offences Act 2003

140 (1) The Sexual Offences Act 2003 is amended as follows.

^{F7}(2)

^{F8}(3)

(4) In Schedule 5 (relevant offences for the purposes of notification and orders), in paragraph 63, for “59” substitute “ 59A ”.

Textual Amendments

F7 Sch. 9 para. 140(2) omitted (31.7.2015) by virtue of Modern Slavery Act 2015 (c. 30), s. 61(1), **Sch. 5 para. 9(3)**; S.I. 2015/1476, reg. 2(j) (with regs. 38)

F8 Sch. 9 para. 140(3) omitted (31.7.2015) by virtue of Modern Slavery Act 2015 (c. 30), s. 61(1), **Sch. 5 para. 9(3)**; S.I. 2015/1476, reg. 2(j) (with regs. 38)

Commencement Information

I141 Sch. 9 para. 140 in force at 6.4.2013 by S.I. 2013/470, **art. 2(d)** (with arts. 3(b), 5-8)

Asylum and Immigration (Treatment of Claimants, etc) Act 2004

^{F9}141

Textual Amendments

F9 Sch. 9 para. 141 omitted (31.7.2015) by virtue of Modern Slavery Act 2015 (c. 30), s. 61(1), **Sch. 5 para. 9(3)**; S.I. 2015/1476, reg. 2(j) (with regs. 38)

Commencement Information

I142 Sch. 9 para. 141 in force at 6.4.2013 by S.I. 2013/470, **art. 2(d)** (with arts. 5-8)

Serious Crime Act 2007

142 In Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales), in paragraph 2(2), for “59” substitute “ 59A ”.

Commencement Information

I143 Sch. 9 para. 142 in force at 6.4.2013 by S.I. 2013/470, **art. 2(d)** (with arts. 5-8)

PART 11

STALKING

Protection from Harassment Act 1997

143 (1) The Protection from Harassment Act 1997 is amended as follows.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

- (2) In section 1(2) (circumstances in which a person ought to know that a course of conduct amounts to harassment) after “this section” insert “ or section 2A(2)(c) ”.
- (3) In section 4 (putting people in fear of violence)—
- (a) in subsection (5) after “section 2” insert “ or 2A ”, and
 - (b) in subsection (6) after “section 2” insert “ or 2A ”.

Commencement Information

I144 Sch. 9 para. 143 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

Crime and Disorder Act 1998

- 144 (1) Section 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated harassment etc.) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)—
 - (i) after “section 2” insert “ or 2A ”, and
 - (ii) for “offence of harassment” substitute “ offences of harassment and stalking ”, and
 - (b) in paragraph (b)—
 - (i) after “section 4” insert “ or 4A ”, and
 - (ii) after “violence” insert “ and stalking involving fear of violence or serious alarm or distress ”.
- (3) In subsection (5) for “the basic offence” substitute “ either basic offence ”.

Commencement Information

I145 Sch. 9 para. 144 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

Criminal Justice and Police Act 2001

- 145 In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), after paragraph 63, insert—

“Protection from Harassment Act 1997

- 63A The power of seizure conferred by section 2B(2) of the Protection from Harassment Act 1997 (seizure of material relevant to stalking).”

Commencement Information

I146 Sch. 9 para. 145 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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

Sexual Offences Act 2003

- 146 In Schedule 5 to the Sexual Offences Act 2003 (relevant offences for the purposes of notification and orders)—
- (a) in paragraph 56A—
 - (i) after “section 2” insert “ or 2A ”, and
 - (ii) for “offence of harassment” substitute “ offences of harassment and stalking ”, and
 - (b) in paragraph 57—
 - (i) after “section 4” insert “ or 4A ”, and
 - (ii) after “violence” insert “ and stalking involving fear of violence or serious alarm or distress ”.

Commencement Information

I147 Sch. 9 para. 146 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

Criminal Justice Act 2003

- 147 In Part 1 of Schedule 15 to the Criminal Justice Act 2003 (sentencing of dangerous offenders: specified violent offences), in paragraph 57—
- (a) after “section 4” insert “ or 4A ”, and
 - (b) after “violence” insert “ and stalking involving fear of violence or serious alarm or distress ”.

Commencement Information

I148 Sch. 9 para. 147 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

PART 12

REPEAL OF PROVISIONS FOR CONDUCTING CERTAIN FRAUD CASES WITHOUT JURY

Criminal Justice Act 2003

- 148 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 45 (procedure for applications for cases to be conducted without a jury)—
 - (a) in the heading, for “sections 43 and” substitute “ section ”,
 - (b) in subsection (1), omit paragraph (a) and the word “and” at the end of the paragraph, and
 - (c) in subsections (5) and (9), omit the words “43 or”.
 - (3) In section 46(7) (discharge of jury because of jury tampering) omit “43 or”.
 - (4) In section 48(1) (further provision about trials without a jury) omit “43,”.
 - (5) Omit section 330(5)(b) (procedure for order bringing section 43 into force).

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

Protection of Freedoms Act 2012, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

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):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)