



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

### CHAPTER 1

SAFEGUARDING OF VULNERABLE GROUPS

*Other amendments relating to new arrangements: England and Wales*

#### 76 Supervisory authorities

- (1) In section 45 of the Safeguarding Vulnerable Groups Act 2006 (duty of supervisory authorities to refer)—
- (a) in subsection (1)—
    - (i) for “must” substitute “ may ”, and
    - (ii) omit “prescribed”,
  - (b) in subsection (4)—
    - (i) in paragraph (a), for “engaged or may engage” substitute “ or has been, or might in future be, engaged ”,
    - (ii) also in paragraph (a), omit “or controlled activity”, and
    - (iii) in paragraph (b) for “ , 2, 7 or 8 ” substitute “ or 7 ”,
  - (c) in subsection (5) omit “prescribed”,
  - (d) omit subsection (6), and
  - (e) in the heading for “duty” substitute “ power ”.
- (2) In section 47 of that Act (supervisory authorities: power to apply for vetting information)—
- (a) in the heading for “vetting” substitute “ certain barring ”,

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- (b) in subsection (1) for “the Secretary of State”, in both places where it occurs, substitute “ ISA ”,
  - (c) in subsection (2) omit paragraphs (b) to (e),
  - (d) in subsection (3) omit paragraphs (b) to (e),
  - (e) omit subsection (5), and
  - (f) in subsection (7) for “prescribe” substitute “ determine ”.
- (3) In section 48 of that Act (supervisory authorities: notification of barring etc. in respect of children)—
- (a) in subsection (1)—
    - (i) for “This section” substitute “ Subsection (2) ”,
    - (ii) in paragraph (a) omit “newly”,
    - (iii) at the end of paragraph (a) insert “ or ”,
    - (iv) in paragraph (b) for “becomes” substitute “ is ”, and
    - (v) omit paragraph (c) and the word “or” before it,
  - (b) in subsection (2) for “, (b) or (c)” substitute “ or (b) ”,
  - (c) after subsection (2) insert—
 

“(2A) The duty in subsection (2) does not apply in relation to an interested supervisory authority if the Secretary of State is satisfied that the authority already has the information concerned.”,
  - (d) in subsection (3)(a) for the words from “if” to “occurs” substitute “ of any circumstance mentioned in subsection (1) ”,
  - (e) in subsection (5)—
    - (i) after “withdrawn if” insert “—  
(a)”,
    - (ii) for the words from “if”, where it appears for the second time, to “occurs” substitute “ of any circumstance mentioned in subsection (1) ”, and
    - (iii) at the end insert “, or  
(b) the Secretary of State cancels the application on either of the following grounds—
      - (i) that the supervisory authority has not answered, within such reasonable period as was required by the Secretary of State, a request from the Secretary of State as to whether the supervisory authority still wishes to be notified of any circumstance mentioned in subsection (1) in relation to the person, or
      - (ii) that the notification is not required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).”, and
  - (f) in subsection (8) for “prescribe” substitute “ determine ”.
- (4) In section 49 of that Act (supervisory authorities: notification of barring etc. in respect of vulnerable adults)—
- (a) in subsection (1)—
    - (i) for “This section” substitute “ Subsection (2) ”,

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- (ii) in paragraph (a) omit “newly”,
  - (iii) at the end of paragraph (a) insert “ or ”,
  - (iv) in paragraph (b) for “becomes” substitute “ is ”, and
  - (v) omit paragraph (c) and the word “or” before it,
  - (b) in subsection (2) for “, (b) or (c)” substitute “ or (b) ”,
  - (c) after subsection (2) insert—
    - “(2A) The duty in subsection (2) does not apply in relation to an interested supervisory authority if the Secretary of State is satisfied that the authority already has the information concerned.”,
  - (d) in subsection (3)(a) for the words from “if” to “occurs” substitute “ of any circumstance mentioned in subsection (1) ”,
  - (e) in subsection (5)—
    - (i) after “withdrawn if” insert “—
      - (a)”,
    - (ii) for the words from “if”, where it appears for the second time, to “occurs” substitute “ of any circumstance mentioned in subsection (1) ”, and
    - (iii) at the end insert “, or
      - (b) the Secretary of State cancels the application on either of the following grounds—
        - (i) that the supervisory authority has not answered, within such reasonable period as was required by the Secretary of State, a request from the Secretary of State as to whether the supervisory authority still wishes to be notified of any circumstance mentioned in subsection (1) in relation to the person, or
        - (ii) that the notification is not required in connection with the exercise of a function of the supervisory authority mentioned in section 45(7).”, and
  - (f) in subsection (8) for “prescribe” substitute “ determine ”.
- (5) In section 50 of that Act (provision of information to supervisory authorities)—
- (a) in subsection (2) for “must” substitute “ may (whether on an application by the authority or otherwise) ”,
  - (b) in subsection (3)—
    - (i) in paragraph (b), after “the authority” insert “ which is mentioned in section 45(7) ”, and
    - (ii) for the words from “or information” to “occurred” substitute “ or of any circumstance mentioned in section 48(1) or 49(1) ”, and
  - (c) after subsection (3) insert—
    - “(4) A supervisory authority may apply to ISA under this section only if the information is required in connection with the exercise of a function of the supervisory authority which is mentioned in section 45(7).

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(5) The Secretary of State may determine the form, manner and contents of an application for the purposes of this section.”

**Commencement Information**

- II** S. 76(1)(2)(3)(f)(4)(f)(5) 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\(m\)](#)

**Changes to legislation:**

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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](#)