
STATUTORY INSTRUMENTS

2012 No. 3006

The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012

PART 2

Transfer of the Independent Safeguarding Authority's functions

CHAPTER 2

Consequential amendments to the principal enactments

Consequential amendments to the 2006 Act

3. In the following provisions of the 2006 Act for “ISA”, in each place where it occurs, substitute “DBS”—

- (a) sections 2 and 4;
- (b) sections 35 to 42;
- (c) section 43 (including section 43(1) and (2) as substituted by section 75(3) of the 2012 Act);
- (d) sections 45 to 47;
- (e) sections 50 and 50A(1);
- (f) the following paragraphs of Schedule 3—
 - (i) paragraphs 2 to 5;
 - (ii) paragraph 5A(2);
 - (iii) paragraph 6 (including the reference to ISA inserted by section 74(2) of the 2012 Act);
 - (iv) paragraphs 8 to 11;
 - (v) paragraph 11A(3);
 - (vi) paragraph 12 (including the reference to ISA inserted by section 74(4) of the 2012 Act);
 - (vii) paragraphs 13 to 21;
 - (viii) paragraphs 22A(4) and 23;
 - (ix) paragraph 25;
- (g) the table in paragraph 1 of Schedule 7;
- (h) paragraphs 1 (including the heading), 2(2) and 3(2) of Schedule 8.

(1) Section 50A was inserted by section 88 of the Policing and Crime Act 2009 (c. 26) and amended by sections 77 and 115(1) of, and paragraphs 43 and 65 of Schedule 9 to, the 2012 Act.
(2) Paragraph 5A was inserted by section 74(1) of the 2012 Act.
(3) Paragraph 11A was inserted by section 74(3) of the 2012 Act.
(4) Paragraph 22A was inserted by S.I. 2011/565.

4. In section 2 omit “establish and”.
5. In section 60(1) after the definition of “the children’s barred list” insert—
““DBS” means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012;”

Consequential amendments to the 2007 Order

6. In the following provisions of the 2007 Order for “ISA”, in each place where it occurs, substitute “DBS”—

- (a) Articles 2, 6 and 8;
 - (b) Articles 37 to 44;
 - (c) Article 45 (including Article 45(1) and (2) as substituted by paragraph 12(2) of Schedule 7 to the 2012 Act);
 - (d) Articles 47 to 49;
 - (e) Articles 52 and 52A(5);
 - (f) the following paragraphs of Schedule 1—
 - (i) paragraphs 2 to 5;
 - (ii) paragraph 5A(6);
 - (iii) paragraph 6 (including the reference to ISA inserted by paragraph 11(2) of Schedule 7 to the 2012 Act);
 - (iv) paragraphs 8 to 11;
 - (v) paragraph 11A(7);
 - (vi) paragraph 12 (including the reference to ISA inserted by paragraph 11(4) of Schedule 7 to the 2012 Act);
 - (vii) paragraphs 13 to 21;
 - (viii) paragraphs 22A(8) and 23;
 - (ix) paragraph 25;
 - (g) paragraphs 1 (including the heading), 2(2) and 3(2) of Schedule 6.
7. For Article 5 substitute—

“Disclosure and Barring Service

5. In this Order references to DBS are references to the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012.”

8. In Article 6 omit “establish and”.

(5) Article 52A was inserted by section 91 of the Policing and Crime Act 2009 and amended by sections 78 and 115(1) of, and paragraph 14 of Schedule 7 and paragraphs 75 and 97 of Schedule 9 to the 2012 Act.
(6) Paragraph 5A was inserted by paragraph 11(1) of Schedule 7 to the 2012 Act.
(7) Paragraph 11A was inserted by paragraph 11(3) of Schedule 7 to the 2012 Act.
(8) Paragraph 22A was inserted by [S.I. 2010/2660](#).

Consequential amendments to the 2008 Northern Ireland Transitional Provisions Order

9. In the following provisions of the 2008 Northern Ireland Transitional Provisions Order for “IBB”⁽⁹⁾ substitute “DBS”—

- (a) article 3(2), (4) and (5);
- (b) article 4(2);
- (c) article 5(2), (4) and (5);
- (d) article 6(2).

10. In the following provisions of the 2008 Northern Ireland Transitional Provisions Order for “IBB” substitute “IBB, ISA or DBS, as the case may be”—

- (a) article 3(1)(c);
- (b) article 4(1)(c);
- (c) article 5(1)(c);
- (d) article 6(1)(c).

Consequential amendments to the 2008 Transitional Provisions Order

11. In the following provisions of the 2008 Transitional Provisions Order for “IBB” substitute “DBS”—

- (a) article 2(2), (4) and (5);
- (b) article 3(2);
- (c) article 4(2), (4) and (5).

12. In the following provisions of the 2008 Transitional Provisions Order for “IBB” substitute “IBB, ISA or DBS, as the case may be”—

- (a) article 2(1)(c);
- (b) article 3(1)(c);
- (c) article 4(1)(c).

(9) The Independent Barring Board was the original name of the Independent Safeguarding Authority as established by section 1 of the Safeguarding Vulnerable Groups Act 2006. The Independent Barring Board, or IBB, was renamed the Independent Safeguarding Authority by section 81 of the Policing and Crime Act 2009.