
STATUTORY INSTRUMENTS

2007 No.1351 (N.I. 11)

NORTHERN IRELAND

**The Safeguarding Vulnerable Groups
(Northern Ireland) Order 2007**

Made - - - - 2nd May 2007
Laid - - - - 9th May 2007
Coming into operation in accordance with Article 1(2)
and (3)

At the Court at Buckingham Palace, the 2nd day of May 2007

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order in Council is made only for purposes corresponding to those of the Safeguarding Vulnerable Groups Act 2006 (c. 47):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (as modified by section 55 of the said Act of 2006) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

Title and commencement N.I.

1.—(1) This Order may be cited as the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

(2) This Article and Articles 2 to 4, 58 and 61 come into operation two weeks after the day on which this Order is made.

(3) The other provisions of this Order come into operation on such day or days as the Secretary of State may by order appoint.

Subordinate Legislation Made

P1 [Art. 1\(3\)](#) power partly exercised: different dates appointed for specified provisions by [S.R. 2008/127](#), [arts. 3, 4](#);
29.5.2008 appointed for specified provisions by [S.R. 2008/233](#), [arts. 3, 4, 5](#);

(4) An offence created by regulations under this Article is punishable on summary conviction with a maximum fine not exceeding level 5 on the standard scale.

Commencement Information

19 Art. 18 partly in operation; art. 18 not in operation at date of making see art. 1(3); art. 18(1)(2)(3) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(c)

PROSPECTIVE

Articles 17 and 18: checks **N.I.**

- 19.**—(1) This Article has effect for the purposes of Articles 17 and 18.
- (2) P makes a check in accordance with this Article if—
- (a) he obtains relevant information relating to B in pursuance of an application under Article 32, or
 - (b) he obtains a copy of an enhanced criminal record certificate relating to B issued in relation to P.
- (3) P makes a check in accordance with this Article if—
- (a) an enhanced criminal record certificate relating to B is issued during the prescribed period,
 - (b) the application for the certificate is countersigned on behalf of P by a registered person (within the meaning of Part 5 of the Police Act 1997 (c. 50)), and
 - (c) P obtains from the registered person the information mentioned in paragraph (4) derived from the certificate.
- (4) The information is—
- (a) whether B is subject to monitoring, and
 - (b) whether [^{F12}ISA] is considering whether to include B in a barred list in pursuance of paragraph 3 or 5 or (as the case may be) 9 or 11 of Schedule 1.
- (5) In paragraph (2)(a) “relevant information” means—
- (a) in relation to a person appointed to a position mentioned in paragraph 4(1) of Schedule 2, relevant information relating to children (within the meaning of Article 33);
 - (b) in relation to a person appointed to a position mentioned in paragraph 8(1) of Schedule 2, relevant information relating to vulnerable adults (within the meaning of Article 33).
- (6) For the purposes of paragraph (2)(b) an enhanced criminal record certificate is issued in relation to P only if—
- (a) he countersigned the application for the certificate as a registered person for the purposes of Part 5 of the Police Act 1997, or
 - (b) the application was countersigned on his behalf by such a person.
- (7) In this Article “enhanced criminal record certificate” means—
- (a) in relation to a person appointed to a position mentioned in paragraph 4(1) of Schedule 2, an enhanced criminal record certificate issued under the Police Act 1997 containing suitability information relating to children (within the meaning of section 113BA of that Act);

Status: Point in time view as at 12/11/2009. This version of this Order contains provisions that are not valid for this point in time.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 30 June 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)

- (b) regulated activity relating to vulnerable adults.
- (3) On a monitoring application being made the Secretary of State must—
 - (a) make such enquiries as he thinks appropriate to ascertain whether any relevant information exists in relation to the individual;
 - (b) request the person who holds such information to provide it to the Secretary of State.
- (4) The Secretary of State must—
 - (a) provide the individual with any disclosable information that he has, or
 - (b) notify the individual that he has no disclosable information.
- (5) Disclosable information is information provided to the Secretary of State under paragraph (3) (b) in relation to the individual, but does not include information to which paragraph (9) applies.
- (6) Paragraph (4) does not apply if the individual made an application for an enhanced criminal record certificate (under section 113B of the Police Act 1997 (c. 50)) simultaneously with his monitoring application.
- (7) The Secretary of State must also ensure that—
 - (a) at such intervals as he thinks appropriate such enquiries are made as he thinks appropriate to ascertain whether any new relevant information exists in relation to the individual;
 - (b) the person who holds such new relevant information is requested to provide it to him.
- (8) Relevant information is—
 - (a) the prescribed details of relevant matter (within the meaning of Article section 113A of the Police Act 1997);
 - (b) information which the chief officer of a relevant police force thinks might be relevant in relation to the regulated activity concerned;
 - (c) such other information as may be prescribed.
- (9) This paragraph applies to information mentioned in paragraph (8)(b) which the chief officer of a relevant police force thinks it would not be in the interests of the prevention or detection of crime to disclose to an individual subject to monitoring.
- (10) A monitoring application is an application made to the Secretary of State in the prescribed form and manner.
- (11) The prescribed requirements may include requirements as to the manner in which the applicant must prove his identity (identification requirements); and if such requirements include a requirement that the applicant has his fingerprints taken at such place and in such manner as may be prescribed, the regulations may make provision requiring their destruction in specified circumstances and by specified persons.
- (12) For the purpose of verifying evidence of identity supplied in pursuance of the identification requirements the Secretary of State may obtain such information as he thinks is appropriate from data held—
 - (a) by the Identity and Passport Service;
 - (b) by the Driver and Vehicle Agency in Northern Ireland or the Driver and Vehicle Licensing Agency;
 - (c) by the Department for Social Development or the Secretary of State in connection with keeping records of national insurance numbers;
 - (d) by such other persons or for such purposes as is prescribed.
- (13) Relevant information is new if it was not discovered when any earlier inquiries under this Article were carried out.

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Meaning of relevant information in Article 32 **N.I.**

- 33.—(1) This Article has effect for the purposes of Article 32.
- (2) Relevant information relating to children is—
- whether B is subject to monitoring in relation to regulated activity relating to children, and
 - if so, whether he is undergoing assessment.
- (3) Relevant information relating to vulnerable adults is—
- whether B is subject to monitoring in relation to regulated activity relating to vulnerable adults, and
 - if so, whether he is undergoing assessment.
- (4) B is undergoing assessment if—
- the Secretary of State is required to notify B as mentioned in Article 28(4) in connection with B's monitoring application but has not yet done so;
 - B has made a simultaneous application under section 113B of the Police Act 1997 but the Secretary of State has not yet issued an enhanced criminal record certificate under that section;
 - in relation to paragraph (2)(b), IBB is considering whether to include B in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 1;
 - in relation to paragraph (3)(b), IBB is considering whether to include B in the adults' barred list in pursuance of paragraph 9 or 11 of that Schedule.
- (5) In paragraph (4)(b) “simultaneous application” means an application made simultaneously with B's monitoring application under Article 28.
- (6) The Secretary of State may by order amend the preceding provisions of this Article for the purpose of altering the meaning of relevant information relating to children or vulnerable adults (as the case may be).

Commencement Information

I19 [Art. 33](#) partly in operation; [art. 33](#) not in operation at date of making see [art. 1\(3\)](#); [art. 33\(6\)](#) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), [art. 5\(e\)](#)

Notification of cessation of monitoring **N.I.**

- 34.—(1) The Secretary of State must establish and maintain a register for the purposes of this Article.
- (2) The Secretary of State must register a person (A) in relation to another (B) if—
- A makes an application to be registered in relation to B,
 - the application contains the appropriate declaration,
 - the Secretary of State has no reason to believe that the declaration is false, and
 - B is subject to monitoring in relation to the regulated activity to which the application relates.
- (3) The appropriate declaration is a declaration by A—
- that he falls within column 1 of a specified entry, and
 - that B has consented to the application.

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2. The register of pharmaceutical chemists maintained under Article 6 of the Pharmacy (Northern Ireland) Order 1976 (NI 22) The registrar appointed under Article 9(1) of that Order
3. Either of the lists of medical practitioners kept under section 2 of the Medical Act 1983 (c. 54) The registrar of the General Medical Council
4. The dentists register kept under section 14 of the Dentists Act 1984 (c. 24) or the dental care professionals register kept under section 36B of that Act The registrar appointed under section 14 of that Act
5. The register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989 (c. 44), or the register of persons undertaking training as optometrists or the register of persons undertaking training as dispensing opticians maintained under section 8A of that Act The registrar of the General Optical Council
6. The register of osteopaths maintained under section 2 of the Osteopaths Act 1993 (c. 21) The Registrar of Osteopaths
7. The register of chiropractors maintained under section 2 of the Chiropractors Act 1994 (c. 17) The Registrar of Chiropractors
8. The register of social workers and social care workers maintained under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3) The Northern Ireland Social Care Council
9. The register of qualified nurses and midwives maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253) The registrar appointed under Article 4 of that Order
10. The register of members of relevant professions maintained under Article 5 of that Order The registrar appointed under Article 4 of that Order

Status:

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