
STATUTORY INSTRUMENTS

2007 No. 1351

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

Notices and information

Regulated activity providers: duty to refer

37.—(1) Paragraph (2) applies to—

- (a) a regulated activity provider who holds any prescribed information in relation to a person (P) engaged in regulated activity provided by him;
- (b) a responsible person (within the meaning of Article 27) who holds any prescribed information in relation to a person (P) whom he permits to engage in controlled activity.

(2) A person to whom this paragraph applies must provide IBB with the information if—

- (a) he withdraws permission for P to engage in the activity for a reason mentioned in paragraph (3), or
- (b) he does not withdraw permission for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity.

(3) The reasons are that the person to whom paragraph (2) applies thinks—

- (a) that paragraph 1, 2, 7 or 8 of Schedule 1 applies to P,
- (b) that P has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1), or
- (c) that the harm test is satisfied.

(4) The harm test is that P may—

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,
- (d) attempt to harm a child or vulnerable adult, or
- (e) incite another to harm a child or vulnerable adult.

(5) For the purposes of paragraph (3)(b), conduct is inappropriate if it appears to the person to whom paragraph (2) applies to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.

(6) If regulated activity engaged in by P—

- (a) is regulated activity relating to vulnerable adults, and
- (b) falls within Article 20,

paragraph (2) must be read as if for “must” there were substituted “may”.

(7) This Article does not apply if the conditions specified in paragraph (2) are fulfilled before the Article is commenced.