
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 145

Safeguarding Vulnerable Groups (2007 Order) (Commencement No.6 and Safeguarding Vulnerable Groups (2007 Order) (Commencement No.5, Transitional Provisions and Savings) (Amendment)) Order (Northern Ireland) 2010

PART 3

Amendment of the Safeguarding Vulnerable Groups (2007 Order) (Commencement No.5, Transitional Provisions and Savings) Order (Northern Ireland) 2009

Amendment of the Safeguarding Vulnerable Groups (2007 Order) (Commencement No.5, Transitional Provisions and Savings) Order (Northern Ireland) 2009

4. The 2009 Order is amended in accordance with Articles 5 to 9.

Amendment of Article 2 of the 2009 Order (interpretation)

5. At the appropriate place in Article 2(1) of the 2009 Order insert—

““disqualified from working with children” means disqualified from working with children for the purposes of Part II of POCVA;”.

Amendment of Article 5 of the 2009 Order (transitional provisions and savings: persons included in the list of persons unsuitable to work with children: Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003)

6.—(1) Article 5 of the 2009 Order is amended in accordance with paragraphs (2) to (5).

(2) At the end of paragraph (5)(a) insert—

“and—

- (i) there is no outstanding appeal relating to P’s removal from the list, and
- (ii) the period of time in which any appeal relating to the removal of P from the list may be expired;”.

(3) For paragraph (5)(b) substitute—

“(b) P is included in the children’s barred list pursuant to Article 3(2)(a) of the 2008 Order and—

- (i) ISA is not required under Article 3(2)(b) of the 2008 Order to give P the opportunity to make representations as to why P should be removed from that list; or
- (ii) where ISA is required under that Article to give P the opportunity to make such representations, it decides under that Article not to remove P from that list; and
- (iii) where paragraph (i) or (ii) applies—

- (aa) there is no outstanding review of P’s inclusion in the list kept under Article 3 of POCVA,
 - (bb) there is no outstanding appeal relating to P’s inclusion in that list, and
 - (cc) the period of time in which any appeal relating to P’s inclusion in that list may be made has expired;”.
- (4) After paragraph (5) insert—
- “(5A) Where P has been included in the children’s barred list in accordance with Article 3(2)(a) of the 2008 Order and where paragraph (5)(a) is satisfied at any time whilst P is so included, ISA must remove P from the list unless it is satisfied that paragraph 1 or 2 of Schedule 1 to the Order (prescribed criteria for automatic inclusion in the children’s barred list) applies to P.”.
- (5) After paragraph (6) insert—
- “(7) For the purposes of paragraph (5)(b)(iii)(aa), “outstanding review” means a review being carried out by the Department of Health, Social Services and Public Safety for the purposes of determining whether P should be removed from the list pursuant to Article 3(3) of POCVA.”.

Amendment of Article 6 of the 2009 Order (transitional provisions and savings: persons included in the list of persons unsuitable to work with vulnerable adults: Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003)

- 7.—(1) Article 6 of the 2009 Order is amended in accordance with paragraphs (2) to (5).
- (2) At the end of paragraph (4)(a) insert—
- “and—
- (i) there is no outstanding appeal relating to P’s removal from the list, and
 - (ii) the period of time in which any appeal relating to the removal of P from the list may be made has expired;”.
- (3) For paragraph (5)(b) substitute—
- “(b) P is included in the adults’ barred list pursuant to Article 5(2)(a) of the 2008 Order and
- (i) ISA is not required under Article 5(2)(b) of the 2008 Order to give P the opportunity to make representations as to why P should be removed from that list, or
 - (ii) where ISA is required under that Article to give P the opportunity to make such representations, it decides under that Article not to remove P from that list, and
 - (iii) where paragraph (i) or (ii) applies—
- (aa) there is no outstanding review of P’s inclusion in the list kept under Article 35 of POCVA,
 - (bb) there is no outstanding appeal relating to P’s inclusion in that list, and
 - (cc) the period of time in which any appeal relating to P’s inclusion in that list may be made has expired;”.
- (4) After paragraph (5) insert—
- “(5A) Where P has been included in the adults’ barred list in accordance with Article 5(2)(a) of the 2008 Order and where paragraph (5)(a) is satisfied at any time whilst P is so included, ISA must remove P from the list unless it is satisfied that paragraph 7 or 8 of Schedule 1 to the Order (prescribed criteria for automatic inclusion in the adult’s barred list) applies to P.”.
- (5) After paragraph (6) insert—

“(7) For the purposes of paragraph (5)(b)(iii)(aa), “outstanding review” means a review being carried out by the Department of Health, Social Services and Public Safety for the purposes of determining whether P should be removed from the list pursuant to Article 35(3) of POCVA.”.

Amendment of Article 7 of the 2009 Order (transitional and savings provisions: persons prohibited from teaching or working with children: The Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007)

- 8.—(1) Article 7 of the 2009 Order is amended in accordance with paragraphs (2) to (6).
- (2) In paragraph (2)(c) for “regulation 9” substitute “regulation 7 or 9”.
- (3) For paragraph (4)(a) substitute—
- “(a) a prohibition in relation to P is revoked under regulation 7, 9 or 11 of the 2007 Regulations and—
- (i) there is no outstanding appeal relating to the revocation of the prohibition, and
- (ii) the period of time in which any appeal relating to the revocation of the prohibition may be made has expired.”.
- (4) For paragraph (4)(b) substitute—
- “(b) P is included in the children’s barred list pursuant to Article 3(2)(a) of the 2008 Order and—
- (i) ISA is not required under Article 3(2)(b) of the 2008 Order to give P the opportunity to make representations as to why P should be removed from that list, or
- (ii) where ISA is required under that Article to give P the opportunity to make such representations, it decides not to remove P from that list, and
- (iii) where paragraph (i) or (ii) applies—
- (aa) there is no outstanding review relating to a prohibition made in relation to P under regulations 4 or 6 of the 2007 Regulations,
- (bb) there is no outstanding appeal relating to a decision not to revoke a prohibition made in relation to P, and
- (cc) the period of time in which any appeal relating to the decision not to revoke a prohibition in relation to P may be made has expired;”.
- (5) After paragraph (4) insert—
- “(4A) Where P has been included in the children’s barred list in accordance with Article 3(2)(a) of the 2008 Order and where paragraph (4)(a) is satisfied at any time whilst P is so included, ISA must remove P from that list unless it is satisfied that paragraph 1 or 2 of Schedule 1 to the Order (prescribed criteria for automatic inclusion in the children’s barred list) applies to P.”.
- (6) After paragraph (5) insert—
- “(6) For the purposes of paragraph (4)(b)(iii)(aa), “outstanding review” means a review being carried out by the Department of Education for the purposes of determining whether a prohibition made in relation to P should be revoked under regulation 7 or 9 of the 2007 Regulations.”.

Minor Amendments of the 2009 Order (Article 3 and the Schedule to that Order)

9. In column 2 of the Schedule to the 2009 Order, in the entry that corresponds to the reference in column 1 to “Article 25”, for “to 38” insert “, 38”.