
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 324

The Safeguarding Board for Northern Ireland
(Membership, Procedure, Functions and
Committee) Regulations (Northern Ireland) 2012

[^{F1}PART 2

Safeguarding Board for Northern Ireland

[^{F1}Disqualification for appointment

5.—(1) Subject to regulation 6, a person shall be disqualified for appointment under section 1(2) (a) or (c) of the Act if that person—

- (a) has within five years of the day the appointment would otherwise have taken effect been convicted whether in the United Kingdom or elsewhere of any offence and has been given a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) has been dismissed, other than by reason of redundancy, from any paid employment with any Department, a health and social care body, a health service body, [^{F2}a former health service body,] any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;
- (c) is the subject of a bankruptcy restrictions order [^{F3}or is the subject of a debt relief restrictions order] ;
- (d) is subject to a disqualification under the Company Directors Disqualification (Northern Ireland) Order 2002 ^{M1}, the Company Directors Disqualification Act 1986 ^{M2} or to an order made under section 429(2)(b) of the Insolvency Act 1986 (*failure to pay under county court administration order*);
- (e) has been—
 - (i) removed from the office of charity trustee or trustee for a charity by order of the High Court of Northern Ireland or by order of the Charity Commission for Northern Ireland ^{M3} under section 33 of the Charities Act (Northern Ireland) 2008 ^{M4} on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which that person was privy, or which that person by his conduct contributed to or facilitated;
 - (ii) removed under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 ^{M5} (*powers of the Court of Session to deal with management of charities*), from being concerned in the management or control of the charity; or
 - (iii) removed from the office of trustee or charity trustee by order of the High Court of England and Wales or, by order of the Charity Commission for England and Wales ^{M6} under section 18(2) of the Charities Act 1993 ^{M7};

- (f) is a Chair, chairman, member or non-executive director of a health and social care body, a health service body [^{F4}(other than a clinical commissioning group)], any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;
- [is the chair or a member of the governing body of a clinical commissioning group;]
- ^{F5}(fa)
- (g) holds any paid employment or office with any Department, a health and social care body, a health service body, any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;
- (h) is a person who has been removed from the office as the Chair, chairman, member or non-executive director of a health and social care body, a [^{F6}health service body (other than a clinical commissioning group), a former health service body] any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;
- [is a person who has been removed from office as the chair or a member of the governing
- ^{F7}(ha) body of a clinical commissioning group;]
- (i) is a person whose application for registration under Part 1 of the Health and Personal Social Services Act (Northern Ireland) 2001, or under Part IV of the Care Standards Act 2000 or under Part 3 of the Regulation of Care (Scotland) Act 2001, has been refused or—
- (i) whose registration has been suspended and the suspension has not been terminated; or
- (ii) whose name has been removed from the register and not restored;
- (j) is a person whose registration as a health care professional has been withdrawn or suspended;
- (k) is a person who has been barred from regulated activity relating to—
- (i) children in accordance with Article 7(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ^{M8}; or
- (ii) vulnerable adults in accordance with Article 7(3) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.
- (2) For the purposes of paragraph 1(a)—
- (a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted; and
- (b) there shall be disregarded any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom.
- (3) For the purposes of paragraph 1(b)—
- (a) a person shall not be treated as having been in paid employment by reason only of his being
- [a Chair, chairman, member or non-executive director of a health and social care body,
- ^{F8}(i) a [^{F9}health service body (other than a clinical commissioning group), a former health service body] any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body; [^{F10}or
- (ii) the chair or a member of the governing body of a clinical commissioning group;] and

(b) “dismissed” excludes dismissal which was established to have been unfair in industrial tribunal proceedings.

(4) In paragraph (1)(j), a “health care professional” means a person who is registered as a member of any profession which is regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 ^{M9}.]

Textual Amendments

- F1** Words in reg. 2 inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(2)(b)(ii)**
- F2** Words in reg. 5(1)(b) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(a)**
- F3** Words in reg. 5(1)(c) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 57(3)**
- F4** Words in reg. 5(1)(f) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(b)**
- F5** Reg. 5(1)(fa) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(c)**
- F6** Words in reg. 5(1)(h) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(d)**
- F7** Reg. 5(1)(ha) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(e)**
- F8** Word in reg. 5(3)(a) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(f)(i)**
- F9** Words in reg. 5(3)(a) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(f)(ii)**
- F10** Words in reg. 5(3)(a) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 178(3)(f)(iii)**

Marginal Citations

- M1** [S.I. 2002/3150 \(N.I. 4\)](#)
- M2** [1986 c.46](#)
- M3** [Established under section 6 of the Charities Act \(Northern Ireland\) 2008](#)
- M4** [2008 c.12 \(N.I.\)](#)
- M5** [2005 asp. 12](#)
- M6** [Established under section 1A of the Charities Act 1993](#)
- M7** [1993 c.10](#)
- M8** [S.I. 2007/1351 \(N.I. 11\)](#)
- M9** [2002 c.17](#)

Changes to legislation:

There are currently no known outstanding effects for the The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012, Section 5.