
STATUTORY INSTRUMENTS

2007 No. 1351

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

Controlled activity

Controlled activity relating to vulnerable adults

26.—(1) A reference to a controlled activity relating to vulnerable adults must be construed in accordance with this Article.

(2) An activity which is ancillary to or is carried out wholly or mainly in relation to an activity which falls within paragraph (4) is a controlled activity to the extent that it is not a regulated activity relating to vulnerable adults if—

- (a) it is carried out frequently by the same person or it is carried out by the same person on more than two days in any period of 30 days, and
- (b) it gives the person an opportunity mentioned in paragraph (5).

(3) An activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in paragraph (2) is also a controlled activity relating to vulnerable adults.

(4) Each of the following falls within this paragraph—

- (a) the provision of primary care services;
- (b) the provision of hospital services;
- (c) the provision of domiciliary care;
- (d) the making of arrangements in connection with an adult placement scheme;
- (e) the provision of personal social services;
- (f) the making of payments under section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (c. 6);
- (g) such other activity as is prescribed.

(5) The opportunities are—

- (a) opportunity to have any form of contact with a vulnerable adult;
- (b) opportunity to have access to the health records or personal social services records (within the meaning of Article 25(11)) of a vulnerable adult;
- (c) opportunity to have access to such other information as may be prescribed relating to a vulnerable adult.

(6) In this Article—

“adult placement scheme” means a scheme—

- (a) under which an individual agrees with the person carrying on the scheme to provide care or support (which may include accommodation) to an adult who is in need of it, and
- (b) in respect of which a requirement to register arises under Article 12 of the 2003 Order;

“domiciliary care” must be construed in accordance with Article 3(4) and (5);

“hospital services” means in-patient or out-patient services provided by—

- (a) an HSS body;
- (b) an independent hospital (within the meaning of Article 2 of the 2003 Order);
- (c) an independent clinic (within the meaning of that Article);
- (d) an independent medical agency (within the meaning of that Article);

“primary care services” means any of the following—

- (a) primary medical services or primary dental services provided under the 1972 Order;
- (b) general ophthalmic services provided in accordance with Article 62 of that Order;
- (c) pharmaceutical services provided in pursuance of arrangements made under Article 63 of that Order ;
- (d) a service which corresponds to a service mentioned in any of sub-paragraphs (a) to (c) but which is provided otherwise than by virtue of arrangements made pursuant to a statutory provision mentioned in that sub-paragraph.