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;

F1(b) . . . . . .

(2) A person to whom this paragraph applies must provide **[**F2DBS**]** 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.

F3(6) . . . . . .

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

Textual Amendments

F1 Art. 37(1)(b) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 94(a), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v) (bb)

F2 Word in arts. 37-44 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(b)** (with Pt. 4)

F3 Art. 37(6) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 94(b), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v) (bb)

Commencement Information

I1 Art. 37 wholly in operation; art. 37 not in operation at date of making see art. 1(3); art. 37(1) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(i)**; art. 37 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

Changes to legislation:
The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Section 37 is up to date with all changes known to be in force on or before 25 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.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 5A inserted by 2012 c. 9 Sch. 7 para. 11(1)
- Sch. 1 para. 11A inserted by 2012 c. 9 Sch. 7 para. 11(3)
- art. 32A32B substituted for art. 32-34 by 2012 c. 9 Sch. 7 para. 9(1)
- art. 35(3A)-(3D) inserted by 2012 c. 9 Sch. 7 para. 9(2)(c)
- art. 36ZA inserted by 2012 c. 9 Sch. 7 para. 10
- art. 50(2A) inserted by 2012 c. 9 Sch. 7 para. 13(3)(c)
- art. 50(5)(b) and word inserted by 2012 c. 9 Sch. 7 para. 13(3)(f)
- art. 51(2A) inserted by 2012 c. 9 Sch. 7 para. 13(4)(c)
- art. 51(5)(b) and word inserted by 2012 c. 9 Sch. 7 para. 13(4)(f)