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*Status: This version of this Order contains provisions that are prospective.*  
*Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes*

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## STATUTORY INSTRUMENTS

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# 2007 No. 1351

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

### *Title and commencement*

#### **Title and commencement** **N.I.**

1.—(1) This Order may be cited as the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

(2) This Article and Articles 2 to 4, 58 and 61 come into operation two weeks after the day on which this Order is made.

(3) The other provisions of this Order come into operation on such day or days as the Secretary of State may by order appoint.

#### **Subordinate Legislation Made**

**P1** Art. 1(3) power partly exercised: different dates appointed for specified provisions by [S.R. 2008/127](#), [arts. 3, 4](#);

29.5.2008 appointed for specified provisions by [S.R. 2008/233](#), [arts. 3, 4, 5](#);

13.3.2009 appointed for specified provisions by [S.R. 2009/41](#), [art. 3](#);

12.10.2009 appointed for specified provisions by [S.R. 2009/304](#), [art. 3](#);

12.10.2009 appointed for specified provisions by [S.R. 2009/346](#), [arts. 3, 4](#);

7.4.2010 appointed for specified provisions by [S.R. 2010/145](#), [arts. 2, 3](#)

### *Interpretation*

#### **Interpretation** **N.I.**

2.—(1) Subject to Article 22(1), the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

[<sup>F1</sup>(2A)] In this Order—

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14);

“the 2003 Order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (NI 9);

[<sup>F2</sup> “adult” means a person who has attained the age of 18; ]

“the adults' barred list” must be construed in accordance with Article 6(1)(b);

“barred list” means the children's barred list or the adults' barred list;

“child” means a person who has not attained the age of 18;

“the Children Order” means the Children (Northern Ireland) Order 1995 (NI 2);

“the children's barred list” must be construed in accordance with Article 6(1)(a);

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“employment agency” and “employment business” must be construed in accordance with Part II of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20);

[<sup>F3</sup>“HSC body” means any of the following [<sup>F4</sup>(see the Health and Social Care (Reform) Act (Northern Ireland) 2009 for the bodies mentioned in paragraphs (b) to (e))] —

- (a) [<sup>F5</sup>the Department of Health;]
- (b) the Regional Agency for Public Health and Social Well-being;
- (c) a HSC trust;
- (d) a special agency;
- (e) the Patient and Client Council;]

“ [<sup>F6</sup>DBS] ” must be construed in accordance with Article 5;

<sup>F7</sup> ...

“ [<sup>F8</sup>social care]” has the same meaning as in the 1972 Order;

“personnel supplier” means—

- (a) a person carrying on an employment agency or an employment business, or
- (b) an educational institution which supplies to another person a student who is following a course at the institution, for the purpose of enabling the student to obtain experience of engaging in regulated <sup>F9</sup>... activity;

“prescribed” means prescribed by regulations made by the Secretary of State;

[<sup>F10</sup>“RQIA” means the Health and Social Care Regulation and Quality Improvement Authority;]

“statutory provision” must be construed in accordance with section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c,33);

“supervisory authority” must be construed in accordance with Article 47(7);

“vulnerable adult” [<sup>F11</sup>means any adult to whom an activity which is a regulated activity relating to vulnerable adults by virtue of any paragraph of paragraph 7(1) of Schedule 2 is provided] .

(2) A reference (however expressed) to a person being barred must be construed in accordance with Article 7.

<sup>F12</sup>(3) .....

(4) Nothing in this Order affects any power to provide information which exists apart from this Order.

**Textual Amendments**

- F1** Art. 2(2A): art. 2(2) renumbered as art. 2(2A) (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. 76\(3\)](#); S.I. 2012/2234, art. 2(aa)(v)
- F2** Words in art. 2(2) inserted (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. 7 para. 2\(1\)\(a\)](#); S.I. 2012/2234, art. 2(z)(i)
- F3** Art. 2(2): definition of "HSC body" substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/305\), art. 7\(2\)](#)
- F4** Words in art. 2 substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 214\(2\)](#); S.R. 2022/102, art. 2(b)
- F5** Words in art. 2 substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 214\(3\)](#); S.R. 2022/102, art. 2(b)

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- F6** Word in art. 2 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(a)** (with Pt. 4)
- F7** Words in art. 2(2) 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. 76(2)(a), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)
- F8** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**
- F9** Words in art. 2(2) 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. 76(2)(b), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)
- F10** Art. 2(2): definition of "RQIA" substituted (1.4.2010) for definition of "the Regulation and Improvement Authority" by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 15(1)**
- F11** Words in art. 2(2) substituted (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. 7 para. 2(1)(b)**; S.I. 2012/2234, art. 2(z)(i)
- F12** Art. 2(3) 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. 76(4), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

## Vulnerable adults **N.I.**

**F13** 3. ....

### Textual Amendments

- F13** Art. 3 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. 7 para. 2(2), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i) (bb)

## Family and personal relationships **N.I.**

4.—(1) This Order does not apply to any activity which is carried out in the course of a family relationship.

(2) This Order does not apply to any activity which is carried out—

- (a) in the course of a personal relationship, and
- (b) for no commercial consideration.

(3) A family relationship includes a relationship between two persons who—

- (a) live in the same household, and
- (b) treat each other as though they were members of the same family.

(4) A personal relationship is a relationship between or among friends.

(5) A friend of a person (A) includes a person who is a friend of a member of A's family.

(6) The Secretary of State may by order provide that an activity carried out in specified circumstances either is or is not—

- (a) carried out in the course of a family relationship;
- (b) carried out in the course of a personal relationship.

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## Barring

PROSPECTIVE

### The <sup>F14</sup> [Disclosure and Barring Service] **N.I.**

<sup>F14</sup>5. In this Order references to DBS are references to the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012.]

#### Textual Amendments

**F14** Art. 5 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), **7** (with Pt. 4)

### Barred lists **N.I.**

6.—(1) <sup>F15</sup>[DBS] must <sup>F16</sup>... maintain—

- (a) the children's barred list;
- (b) the adults' barred list.

(2) Part I of Schedule 1 applies for the purpose of determining whether an individual is included in the children's barred list.

(3) Part II of that Schedule applies for the purpose of determining whether an individual is included in the adults' barred list.

(4) Part III of that Schedule contains supplementary provision.

(5) In respect of an individual who is included in a barred list, <sup>F15</sup>[DBS] must keep other information of such description as is prescribed.

#### Textual Amendments

**F15** Word in art. 6 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(a)** (with Pt. 4)

**F16** Words in art. 6 omitted (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **8** (with Pt. 4)

#### Commencement Information

**I1** Art. 6 wholly in operation; art. 6 not in operation at date of making see art. 1(3); art. 6(2)(3)(4)(5) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(a)(b)(c)**; art. 6 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; art. 6(2)(3)(4) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(v)**, **art. 5(n)**; art. 6 in operation for certain purposes at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(a)**; art. 6 in operation at 12.10.2009 insofar as not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

### Barred persons **N.I.**

7.—(1) A reference to a person being barred from regulated activity must be construed in accordance with this Article.

(2) A person is barred from regulated activity relating to children if he is—

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- (a) included in the children's barred list; or
  - (b) included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.
- (3) A person is barred from regulated activity relating to vulnerable adults if he is—
- (a) included in the adults' barred list; or
  - (b) included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

**Modifications etc. (not altering text)**

**C1** Art. 7 excluded (12.10.2009) by [Safeguarding Vulnerable Groups \(2007 Order\) \(Commencement No. 5, Transitional Provisions and Savings\) Order \(Northern Ireland\) 2009 \(S.R. 2009/346\)](#), **arts. 5(6), 6(6), 7(5)**

**Commencement Information**

**I2** Art. 7 wholly in operation; art. 7 not in operation at date of making see art. 1(3); art. 7(2)(b)(3)(b) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 5(a)**; art. 7 in operation at 12.10.2009 insofar as not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

**Appeals** **N.I.**

- 8.**—(1) An individual who is included in a barred list may appeal to the Care Tribunal against—
- <sup>F17</sup>(a) .....
  - (b) a decision under paragraph [<sup>F18</sup>2, ] 3, 5, [<sup>F19</sup>8,] 9 or 11 of [<sup>F20</sup>Schedule 1] to include him in the list;
  - (c) a decision under paragraph 17 [<sup>F21</sup>, 18 or 18A ] of that Schedule not to remove him from the list.
- (2) An appeal under paragraph (1) may be made only on the grounds that [<sup>F22</sup>DBS] has made a mistake—
- (a) on any point of law;
  - (b) in any finding of fact which it has made and on which the decision mentioned in that paragraph was based.
- (3) For the purposes of paragraph (2), the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact.
- (4) An appeal under paragraph (1) may be made only with the leave of the Care Tribunal.
- (5) Unless the Care Tribunal finds that [<sup>F22</sup>DBS] has made a mistake of law or fact, it must confirm the decision of [<sup>F22</sup>DBS] .
- (6) If the Care Tribunal finds that [<sup>F22</sup>DBS] has made such a mistake it must—
- (a) direct [<sup>F22</sup>DBS] to remove the person from the list, or
  - (b) remit the matter to [<sup>F22</sup>DBS] for a new decision.
- (7) If the Care Tribunal remits a matter to [<sup>F22</sup>DBS] under paragraph (6)(b)—
- (a) the Care Tribunal may set out any findings of fact which it has made (on which [<sup>F22</sup>DBS] must base its new decision); and

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(b) the person must be removed from the list until [F22DBS] makes its new decision, unless the Care Tribunal directs otherwise.

(8) In this Article “the Care Tribunal” means the Tribunal established under Article 44 of the 2003 Order.

### Textual Amendments

- F17** Art. 8(1)(a) 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. 77\(a\), Sch. 10 Pt. 5](#) ; S.I. 2012/2234, art. 2(aa)(v)(bb)
- F18** Word in art. 8(1)(b) inserted (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. 77\(b\)\(i\)](#) ; S.I. 2012/2234, art. 2(aa)(v)
- F19** Word in art. 8(1)(b) inserted (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. 77\(b\)\(ii\)](#) ; S.I. 2012/2234, art. 2(aa)(v)
- F20** Words in art. 8(1)(b) substituted (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. 77\(b\)\(iii\)](#) ; S.I. 2012/2234, art. 2(aa)(v)
- F21** Words in art. 8(1)(c) substituted (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. 77\(c\)](#) ; S.I. 2012/2234, art. 2(aa)(v)
- F22** Word in art. 8 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\(a\)](#) (with Pt. 4)

### Modifications etc. (not altering text)

- C2** Art. 8 applied (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\), art. 3\(6\)](#)
- C3** Art. 8 applied (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\), art. 5\(6\)](#)

### Commencement Information

- I3** Art. 8 wholly in operation at 29.5.2008; art. 8 not in operation at date of making see art. 1(3); art. 8 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(b\)](#); art. 8 in operation at 29.5.2008 insofar as not already in operation by [S.R. 2008/233, art. 3\(a\)](#)

## Regulated activity

### Regulated activity **N.I.**

9.—(1) A reference to regulated activity relating to children must be construed in accordance with Part I of Schedule 2.

(2) A reference to regulated activity relating to vulnerable adults must be construed in accordance with Part II of that Schedule.

(3) The Secretary of State may by order amend that Schedule, or any of the modifications of that Schedule in the provisions mentioned in paragraph (4), so as to vary the meaning of—

- (a) regulated activity relating to children;
- (b) regulated activity relating to vulnerable adults.

(4) The provisions are—

- (a) Article 11(5),

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(b) Article 13(5),

<sup>F23</sup>(c) .....

(d) Article 23(8),

<sup>F23</sup>(e) .....

**Textual Amendments**

**F23** Art. 9(4)(c)(e) 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. 7 para. 78, **Sch. 10 Pt. 5**; S.I. 2012/2234, **art. 2(aa)(v)** (bb)

**Commencement Information**

**I4** Art. 9 wholly in operation; art. 9 not in operation at date of making see art. 1(3); art. 9(1)(2) in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(c)**; art. 9(1)(2)(3)(4) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(w)**, **art. 5(b)**; art. 9 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(b)**

*Regulated activity providers*

**Regulated activity providers** **N.I.**

**10.**—(1) A reference to a regulated activity provider must be construed in accordance with this Article.

(2) A person (P) is a regulated activity provider if—

- (a) he is responsible for the management or control of regulated activity,
- (b) if the regulated activity is carried out for the purposes of an organisation, his exercise of that responsibility is not subject to supervision or direction by any other person for those purposes, and
- (c) he makes, or authorises the making of, arrangements (whether in connection with a contract of service or for services or otherwise) for another person to engage in that activity.

(3) A person (P) is also a regulated activity provider if Article 55(4) (fostering) so provides.

(4) A person (P) is also a regulated activity provider if he carries on a scheme—

- (a) under which an individual agrees with P 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.

(5) P is not a regulated activity provider if he is an individual and the arrangements he makes are private arrangements.

(6) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, P himself.

(7) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, a child or vulnerable adult who is—

- (a) a member of P's family;
- (b) a friend of P.

(8) A person does not make arrangements for another to engage in a regulated activity merely because he (alone or together with others) appoints that person—

<sup>F24</sup>(a) .....

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(b) as a controller under Article 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4);

<sup>F24</sup>(c) . . . . .

(d) to any position mentioned in [<sup>F25</sup>paragraph 7(3E)(a) or (c) of Schedule 2 ] or to exercise any function [<sup>F26</sup>exercisable by virtue of that position] .

[<sup>F27</sup>(8A) An authority that is an authority for the purposes of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (c.6) or Article 18C of the Children Order (direct payments) does not make arrangements for another to engage in a regulated activity by virtue of anything the authority does under that section or Article.]

(9) For the purposes of paragraph (7) it is immaterial whether P is also acting in any capacity other than as a family member or friend.

(10) If a regulated activity provider is an unincorporated association any requirement of or liability (including criminal liability) under this Order must be taken to be a requirement on or liability of—

- (a) the person responsible for the management and control of the association, or
- (b) if there is more than one such person, all of them jointly and severally.

(11) “Family” and “friend” must be construed in accordance with Article 4.

(12) The Secretary of State may by order provide that in specified circumstances a person who makes, or authorises the making of, arrangements (of any description) for another to engage in regulated activity either is or is not a regulated activity provider.

**Textual Amendments**

- F24** Art. 10(8)(a)(c) 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. 7 para. 78, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\)](#) (bb)
- F25** Words in art. 10(8)(d) substituted (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. 79\(b\)\(i\); S.I. 2012/2234, art. 2\(aa\)\(v\)](#)
- F26** Words in art. 10(8)(d) substituted (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. 79\(b\)\(ii\); S.I. 2012/2234, art. 2\(aa\)\(v\)](#)
- F27** Art. 10(8A) inserted (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. 7 para. 14\(2\); S.I. 2012/2234, art. 2\(z\)\(vii\)](#)

**Commencement Information**

- I5** Art. 10 wholly in operation; art. 10 not in operation at date of making see art. 1(3); art. 10 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(d\)](#); art. 10(12) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 5\(c\)](#); art. 10 in operation for certain purposes at 13.3.2009 by [S.R. 2009/41, art. 3\(2\)\(a\)](#); art. 10 in operation at 12.10.2009 insofar as not already in operation by [S.R. 2009/346, art. 3, Sch.](#)

*Restrictions on participating in regulated activity*

**Barred person not to engage in regulated activity** N.I.

11.—(1) An individual commits an offence if he—



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- (a) seeks to engage in regulated activity from which he is barred;
  - (b) offers to engage in regulated activity from which he is barred;
  - (c) engages in regulated activity from which he is barred.
- (2) A person guilty of an offence under paragraph (1) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- (3) It is a defence for a person charged with an offence under paragraph (1) to prove that he did not know, and could not reasonably be expected to know, that he was barred from that activity.
- (4) It is a defence for a person charged with an offence under paragraph (1) to prove—
- (a) that he reasonably thought that it was necessary for him to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),
  - (b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and
  - (c) that he engaged in the activity for no longer than was necessary for that purpose.
- (5) For the purposes of this Article, Schedule 2 is modified as follows—
- (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
  - <sup>F28</sup>(b) .....
  - <sup>F28</sup>(c) .....

**Textual Amendments**

**F28** Art. 11(5)(b)(c) 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. 80, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\)\(bb\)](#)

PROSPECTIVE

**Person not to engage in regulated activity unless subject to monitoring** **N.I.**

<sup>F29</sup>12. ....

**Textual Amendments**

**F29** Art. 12 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. 81, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Use of barred person for regulated activity** **N.I.**

- 13.—(1) A person commits an offence if—
- (a) he permits an individual (B) to engage in regulated activity from which B is barred,
  - (b) he knows or has reason to believe that B is barred from that activity; and

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- (c) B engages in that activity.
- (2) A personnel supplier commits an offence if—
  - (a) he supplies an individual (B) to another (P),
  - (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and
  - (c) he knows or has reason to believe that B is barred from that activity.
- (3) A person guilty of an offence under this Article is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- (4) It is a defence for a person charged with an offence under this Article to prove—
  - (a) that he reasonably thought that it was necessary for the barred person to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),
  - (b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and
  - (c) that the barred person engaged in the activity for no longer than was necessary for that purpose.
- (5) For the purposes of this Article, Schedule 2 is modified as follows—
  - (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
  - <sup>F30</sup>(b) .....
  - <sup>F30</sup>(c) .....

**Textual Amendments**  
**F30** Art. 13(5)(b)(c) 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. 82, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

PROSPECTIVE

**Use of person not subject to monitoring for regulated activity** **N.I.**  
<sup>F31</sup>**14.** .....

**Textual Amendments**  
**F31** Art. 14 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. 83, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

*Status:* This version of this Order contains provisions that are prospective.

*Changes to legislation:* The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

**Regulated activity provider: failure to check** **N.I.**

<sup>F32</sup>15. ....

**Textual Amendments**

**F32** Art. 15 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. 84, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Commencement Information**

**I6** Art. 15 partly in operation; art. 15 not in operation at date of making see art. 1(3); art. 15(2) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(a\)](#)

**Personnel suppliers: failure to check** **N.I.**

<sup>F33</sup>16. ....

**Textual Amendments**

**F33** Art. 16 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. 85, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Commencement Information**

**I7** Art. 16 partly in operation; art. 16 not in operation at date of making see art. 1(3); art. 16(1)(2) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(y\), art. 5\(d\)\(q\)](#)

**Educational establishments: check on members of governing body** **N.I.**

<sup>F34</sup>17. ....

**Textual Amendments**

**F34** Art. 17 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. 86, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Commencement Information**

**I8** Art. 17 partly in operation; art. 17 not in operation at date of making see art. 1(3); art. 17(1)(5) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(b\)](#)

**Office holders: offences** **N.I.**

<sup>F35</sup>18. ....

**Status:** This version of this Order contains provisions that are prospective.  
**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

**Textual Amendments**

**F35** Art. 18 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. 87, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Commencement Information**

**I9** Art. 18 partly in operation; art. 18 not in operation at date of making see art. 1(3); art. 18(1)(2)(3) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(c\)](#)

PROSPECTIVE

**Articles 17 and 18: checks** **N.I.**

<sup>F36</sup>**19.** . . . . .

**Textual Amendments**

**F36** Art. 19 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. 88, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

PROSPECTIVE

*Exceptions*

**Exception to requirement to make monitoring check** **N.I.**

<sup>F37</sup>**20.** . . . . .

**Textual Amendments**

**F37** Art. 20 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. 89, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**HSS employment** **N.I.**

<sup>F38</sup>**21.** . . . . .

**Textual Amendments**

**F38** Art. 21 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. 90, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

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*Offences: supplementary*

**Offences: companies, etc. N.I.**

22.—(1) For the purposes of an offence under Article 13<sup>F39</sup>...or 40<sup>F40</sup>..., section 20(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(2) If an offence under Article 13<sup>F41</sup>...or 40<sup>F42</sup>... is committed by a partnership (whether or not a limited partnership) and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—

- (a) a partner, or
- (b) a person purporting to act as a partner,

he (as well as the partnership) commits the offence.

**Textual Amendments**

- F39** Words in art. 22(1) 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. 91\(2\)\(a\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\)\(bb\)](#)
- F40** Words in art. 22(1) 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. 91\(2\)\(b\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\)\(bb\)\(bb\)](#)
- F41** Words in art. 22(2) 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. 91\(3\)\(a\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\)\(bb\)](#)
- F42** Words in art. 22(2) 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. 91\(3\)\(b\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\)\(bb\)](#)

**Commencement Information**

- I10** Art. 22 partly in operation; art. 22 not in operation at date of making see. art. 1(3); art. 22 in operation for certain purposes at 12.10.2009 by [S.R. 2009/346, art. 3, Sch.](#)

**Offences: other persons N.I.**

23.—<sup>F43</sup>(1) .....

(2) A person commits an offence if, in the course of acting or appearing to act on behalf of a personnel supplier—

- (a) he supplies an individual (B) to another (P),
- (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and
- (c) he knows or has reason to believe that B is barred from the activity.

<sup>F44</sup>(3) .....

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- F44(4) .....
- (5) A person guilty of an offence under paragraph (2) is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- F45(6) .....
- F45(7) .....
- (8) For the purpose of [F46 paragraph (2)(b)] , Schedule 2 is modified as follows—
  - (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
  - F47(b) .....
  - F47(c) .....
  - F48(9) .....

**Textual Amendments**

- F43 Art. 23(1) 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. 92\(2\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)
- F44 Art. 23(3)(4) 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. 92\(3\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)
- F45 Art. 23(6)(7) 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. 92\(4\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)
- F46 Words in art. 23(8) substituted (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. 92\(5\)\(a\); S.I. 2012/2234, art. 2\(aa\)\(v\)](#)
- F47 Art. 23(8)(b)(c) 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. 92\(5\)\(b\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)
- F48 Art. 23(9) 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. 92\(6\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Commencement Information**

- I11 Art. 23 partly in operation; art. 23 not in operation at date of making see. art. 1(3); art. 23(2) and (5) in operation at 12.10.2009 and art. 23(8) in operation for certain purposes at 12.10.2009 by [S.R. 2009/346, art. 3, Sch.](#)

**Article 23: exclusions and defences** N.I.

- 24.—(1) A person does not commit an offence under Article 23 if B has not attained the age of 16.
- F49(2) .....
- F49(3) .....

**Status:** This version of this Order contains provisions that are prospective.

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- F49(4) .....
- F49(5) .....
- F49(6) .....
- F49(7) .....

**Textual Amendments**

**F49** Art. 24(2)-(7) 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. 93, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Commencement Information**

**I12** Art. 24 partly in operation; art. 24 not in operation at date of making see. art. 1(3); art. 24(1) in operation for certain purposes at 12.10.2009 by [S.R. 2009/346, art. 3, Sch.](#)

*Controlled activity*

**Controlled activity relating to children** **N.I.**

- F50**25.** .....

**Textual Amendments**

**F50** Arts. 25-27 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. 7 para. 5, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(z\)\(i\) \(bb\)](#)

**Controlled activity relating to vulnerable adults** **N.I.**

- F50**26.** .....

**Textual Amendments**

**F50** Arts. 25-27 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. 7 para. 5, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(z\)\(i\) \(bb\)](#)

**Controlled activity: regulations** **N.I.**

- F50**27.** .....

**Textual Amendments**

**F50** Arts. 25-27 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. 7 para. 5, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(z\)\(i\) \(bb\)](#)

**Status:** This version of this Order contains provisions that are prospective.  
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## Monitoring

### Monitoring **N.I.**

<sup>F51</sup>28. ....

#### Textual Amendments

**F51** Arts. 28-31 and preceding cross-heading 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. 7 para. 6, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z) (i) (bb)

### Monitoring: power to prescribe additional fees **N.I.**

<sup>F51</sup>28A. ....

#### Textual Amendments

**F51** Arts. 28-31 and preceding cross-heading 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. 7 para. 6, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z) (i) (bb)

### Monitoring fees **N.I.**

<sup>F51</sup>29. ....

#### Textual Amendments

**F51** Arts. 28-31 and preceding cross-heading 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. 7 para. 6, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z) (i) (bb)

### Ceasing monitoring **N.I.**

<sup>F51</sup>30. ....

#### Textual Amendments

**F51** Arts. 28-31 and preceding cross-heading 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. 7 para. 6, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z) (i) (bb)



**Status:** This version of this Order contains provisions that are prospective.

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PROSPECTIVE

**Prohibition of requirement to produce certain records** **N.I.**

<sup>F51</sup>31. ....

**Textual Amendments**

**F51** Arts. 28-31 and preceding cross-heading 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. 7 para. 6, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z) (i) (bb)

*Notices and information*

**Provision of vetting information** **N.I.**

**32.—**(1) The Secretary of State must provide a person (A) with the information mentioned in paragraph (4) in relation to another (B) if—

- (a) A makes an application for the information,
- (b) the application contains the appropriate declaration, and
- (c) the Secretary of State has no reason to believe that the declaration is false.

(2) The appropriate declaration is a declaration by A—

- (a) that he falls within column 1 of [<sup>F52</sup>the table in Schedule 5],
- [<sup>F53</sup>(aa) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults,
- (ab) whether the information is sought by A with a view to permitting or supplying B to carry out paid activity or with a view to making a check in accordance with Article 19(2)(a) in relation to the appointment of B to a position in which B will carry out paid activity,] and
- (b) that B has consented to the provision of the information to A.

[<sup>F54</sup>(2A) The Secretary of State may refuse to provide A with the information if B has failed to pay a fee required by Article 28A.]

(3) <sup>F55</sup>.....

(4) The information is—

- (a) if [<sup>F56</sup>A's declaration states that column 2 of the relevant entry] refers to children, relevant information relating to children, and
- (b) if [<sup>F56</sup>A's declaration states that column 2 of the relevant entry] refers to vulnerable adults, relevant information relating to vulnerable adults.

(5) <sup>F57</sup>.....

(6) If B consents to the provision of information to A in relation to an application under this Article, the consent also has effect in relation to any subsequent such application by A.

[<sup>F58</sup>(6A) “Paid activity” means an activity carried out for financial gain.

(6B) The Secretary of State may by regulations provide for an activity to be treated as, or not to be treated as, an activity carried out for financial gain.]

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(7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this Article (including the form and manner of a declaration contained in such an application).

(8) The Secretary of State may by regulations make provision requiring an authority which makes or proposes to make payments to or on behalf of a person in accordance with regulations under Article 18C of the Children Order or section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (c. 6) to inform the person of his right to obtain relevant information under this Article.

#### Textual Amendments

- F52** Words in art. 32(2)(a) substituted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 20\(a\)](#)
- F53** Art. 32(2)(aa)(ab) inserted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 20\(b\)](#)
- F54** Art. 32(2A) inserted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 20\(c\)](#)
- F55** Art. 32(3) omitted (1.4.2010) by virtue of [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 20\(d\)](#)
- F56** Words in art. 32(4)(a)(b) substituted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 20\(e\)](#)
- F57** Art. 32(5) omitted (1.4.2010) by virtue of [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 20\(f\)](#)
- F58** Art. 32(6A)(6B) inserted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 20\(g\)](#)

#### Commencement Information

- I13** Art. 32 partly in operation; art. 32 not in operation at date of making see art. 1(3); art. 32(7)(8) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(f\)](#)

#### Meaning of relevant information in Article 32 **N.I.**

- 33.**—(1) This Article has effect for the purposes of Article 32.
- (2) Relevant information relating to children is—
- (a) whether B is subject to monitoring in relation to regulated activity relating to children, and
  - (b) if so, whether he is undergoing assessment.
- (3) Relevant information relating to vulnerable adults is—
- (a) whether B is subject to monitoring in relation to regulated activity relating to vulnerable adults, and
  - (b) if so, whether he is undergoing assessment.
- (4) B is undergoing assessment if—
- (a) the Secretary of State is required to notify B as mentioned in Article 28(4) in connection with B's monitoring application but has not yet done so;

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

- (b) B has made a simultaneous application under section 113B of the Police Act 1997 but the Secretary of State has not yet issued an enhanced criminal record certificate under that section;
- (c) in relation to paragraph (2)(b), IBB is considering whether to include B in the children's barred list in pursuance of paragraph 3 or 5 of Schedule 1;
- (d) in relation to paragraph (3)(b), IBB is considering whether to include B in the adults' barred list in pursuance of paragraph 9 or 11 of that Schedule.

(5) In paragraph (4)(b) "simultaneous application" means an application made simultaneously with B's monitoring application under Article 28.

(6) The Secretary of State may by order amend the preceding provisions of this Article for the purpose of altering the meaning of relevant information relating to children or vulnerable adults (as the case may be).

**Commencement Information**

**114** Art. 33 partly in operation; art. 33 not in operation at date of making see art. 1(3); art. 33(6) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), [art. 5\(e\)](#)

**Notification of cessation of monitoring** **N.I.**

**34.—(1)** The Secretary of State must establish and maintain a register for the purposes of this Article.

- (2) The Secretary of State must register a person (A) in relation to another (B) if—
  - (a) A makes an application to be registered in relation to B,
  - (b) the application contains the appropriate declaration,
  - (c) the Secretary of State has no reason to believe that the declaration is false, and
  - (d) B is subject to monitoring in relation to the regulated activity to which the application relates.

- (3) The appropriate declaration is a declaration by A—
  - (a) that he falls within column 1 of [<sup>F59</sup>the table in Schedule 5],
  - [<sup>F60</sup>(aa) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults,] and
  - (b) that B has consented to the application.

- (4) <sup>F61</sup>.....
- (5) A's application and registration relate—
  - (a) if [<sup>F62</sup>A's declaration states that column 2 of the relevant entry] refers to children, to regulated activity relating to children;
  - (b) if [<sup>F62</sup>A's declaration states that column 2 of the relevant entry] refers to vulnerable adults, to regulated activity relating to vulnerable adults.

(6) The Secretary of State must notify A if B ceases to be subject to monitoring in relation to the regulated activity to which A's registration relates.

(7) The requirement under paragraph (6) is satisfied if notification is sent to any address recorded against A's name in the register.

- (8) <sup>F63</sup>.....

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

(9) If B consents to the provision of information to A under Article 32 the consent also has effect as consent to any application by A to be registered in relation to B under this Article.

(10) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this Article (including the form and manner of a declaration contained in such an application).

#### Textual Amendments

- F59** Words in art. 34(3)(a) substituted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 21\(a\)](#)
- F60** Art. 34(3)(aa) inserted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 21\(b\)](#)
- F61** Art. 34(4) omitted (1.4.2010) by virtue of [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 21\(c\)](#)
- F62** Words in art. 34(5)(a)(b) substituted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 21\(d\)](#)
- F63** Art. 34(8) omitted (1.4.2010) by virtue of [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 21\(e\)](#)

#### Commencement Information

- I15** Art. 34 partly in operation; art. 34 not in operation at date of making see art. 1(3); art. 34(10) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(g\)](#)

#### Cessation of registration **N.I.**

**35.—**(1) In this Article references to registration are to registration in the register maintained for the purposes of Article 34.

(2) Once a person is notified as mentioned in paragraph (6) of that Article, his registration ceases.

(3) [<sup>F64</sup>DBS] may cancel a person's registration in such circumstances as are prescribed.

(4) [<sup>F65</sup>DBS] must cancel a person's registration—

(a) if the person applies for it to be cancelled;

(b) in prescribed circumstances, if the person in relation to whom he is registered applies for it to be cancelled.

(5) When a person's registration is cancelled under paragraph (3) or (4)(b), [<sup>F66</sup>DBS] must notify him of that fact.

(6) The requirement under paragraph (5) is satisfied if notification is sent to any address recorded against A's name in the register.

#### Textual Amendments

- F64** Words in art. 35(3) 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\(1\), 49\(c\) \(with Pt. 4\)](#)
- F65** Words in art. 35(4) 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\(1\), 49\(c\) \(with Pt. 4\)](#)

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

**F66** Words in art. 35(5) 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), 49(c) (with Pt. 4)

#### Commencement Information

**I16** Art. 35 partly in operation; art. 35 not in operation at date of making see art. 1(3); art. 35(3)(4)(b) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(h)

PROSPECTIVE

#### Declarations under Articles 32 and 34 **N.I.**

**36.**—(1) An individual commits an offence if, in an application made for the purposes of Article 32 or 34—

- (a) he makes a false declaration, and
- (b) he either knows that it is false or is reckless as to whether it is false.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PROSPECTIVE

#### <sup>F67</sup>Notification of proposal to include person in children's barred list **N.I.**

**36A.**—(1) If ISA proposes to include a person (B) in the children's barred list in the circumstances mentioned in paragraph 3(1) or 5(1) of Schedule 1, it—

- (a) must notify any person who is registered in relation to B under Article 34 in relation to regulated activity relating to children, and
  - (b) may notify any other person who it is satisfied falls within paragraph (2).
- (2) The following fall within this paragraph—
- (a) any person who is permitting B to engage in regulated activity relating to children,
  - (b) any responsible person (within the meaning of Article 27) who is permitting B to engage in controlled activity relating to children.
- (3) A notification under this Article must—
- (a) explain that ISA has not yet taken a final decision about whether to include B in the barred list, and
  - (b) include such information as ISA thinks appropriate about its reasons for proposing to include B in the barred list.

(4) The requirement to notify a person under paragraph (1)(a) is satisfied if notification is sent to any address recorded against that person's name in the register.

#### Textual Amendments

**F67** Arts. 36A-36C inserted (prosp.) by Policing and Crime Act 2009 (c. 26), ss. 90(2), 116(1)

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

## PROSPECTIVE

**Notification of proposal to include person in adults' barred list** **N.I.**

**36B.**—(1) If ISA proposes to include a person (B) in the adults' barred list in the circumstances mentioned in paragraph 9(1) or 11(1) of Schedule 1, it—

- (a) must notify any person who is registered in relation to B under Article 34 in relation to regulated activity relating to vulnerable adults, and
  - (b) may notify any other person who it is satisfied falls within paragraph (2).
- (2) The following fall within this paragraph—
- (a) any person who is permitting B to engage in regulated activity relating to vulnerable adults,
  - (b) any responsible person (within the meaning of Article 27) who is permitting B to engage in controlled activity relating to vulnerable adults.
- (3) A notification under this Article must—
- (a) explain that ISA has not yet taken a final decision about whether to include B in the barred list, and
  - (b) include such information as ISA thinks appropriate about its reasons for proposing to include B in the barred list.
- (4) The requirement to notify a person under paragraph (1)(a) is satisfied if notification is sent to any address recorded against that person's name in the register.

**Textual Amendments**

**F67** Arts. 36A-36C inserted (prosp.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 90(2)**, 116(1)

## PROSPECTIVE

**Articles 36A and 36B: notification of outcome** **N.I.**

**36C.**—(1) Paragraph (2) applies if ISA—

- (a) has notified a person (A) under Article 36A or 36B that it proposes to include another (B) in a barred list, and
  - (b) includes B in the barred list or decides not to do so.
- (2) ISA must notify A that it has included B in the barred list or that it has decided not to do so (as the case may be).
- (3) In a case where A is registered in relation to B under Article 34 (or has ceased to be so registered by virtue of B's inclusion in the barred list), the requirement in paragraph (2) is satisfied if notification is sent to any address recorded (or, as the case may be, formerly recorded) against A's name in the register.]

**Textual Amendments**

**F67** Arts. 36A-36C inserted (prosp.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 90(2)**, 116(1)

*Status:* This version of this Order contains provisions that are prospective.

*Changes to legislation:* The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

**Regulated activity providers: duty to refer** **N.I.**

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;

<sup>F68</sup>(b) .....

(2) A person to whom this paragraph applies must provide [<sup>F69</sup>DBS] 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.

<sup>F70</sup>(6) .....

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

**Textual Amendments**

**F68** 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\(aa\)\(v\) \(bb\)](#)

**F69** 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\(b\) \(with Pt. 4\)](#)

**F70** 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**

**I17** 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.](#)

*Status: This version of this Order contains provisions that are prospective.*

*Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes*

## Personnel suppliers: duty to refer **N.I.**

**38.**—(1) A personnel supplier must provide [<sup>F69</sup>DBS] with any prescribed information it holds in relation to a person (P) who has been supplied by it to another person if the supplier knows that P has ceased to be engaged in regulated activity <sup>F71</sup>... in the circumstances mentioned in paragraph (2) (a) or (b) of Article 37.

(2) A personnel supplier which is an employment agency or employment business must provide [<sup>F69</sup>DBS] with any prescribed information it holds in relation to a person (P) for whom it acts if—

- (a) the agency or business determines to cease to act for P for a reason mentioned in paragraph (4), or
- (b) it does not determine to cease to act for P for such a reason but would or might have done so if its arrangement with, or employment of, him had not otherwise come to an end.

(3) A personnel supplier which is an educational institution must provide [<sup>F69</sup>DBS] with any prescribed information it holds in relation to a student (P) following a course at the institution if—

- (a) the institution determines to cease to supply P to another person for him to engage in regulated <sup>F72</sup>... activity for a reason mentioned in paragraph (4),
- (b) the institution determines that P should cease to follow a course at the institution for a reason mentioned in paragraph (4), or
- (c) it does not determine as mentioned in sub-paragraph (a) or (b) for such a reason but would or might have done so if P had not otherwise ceased to engage in the activity or ceased to follow the course.

(4) The reasons are that the personnel supplier 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.

(5) 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.

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

(7) An employment agency acts for a person if it makes arrangements with him with a view to—

- (a) finding him employment with an employer, or
- (b) supplying him to employers for employment by them.

(8) An employment business acts for a person if it employs him to act for and under the control of other persons in any capacity.

(9) In this Article “employment” has the same meaning as in Part II of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20).

(10) This Article does not apply if the conditions specified in paragraph (1), (2) or (3) are fulfilled before the Article is commenced.



**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

**Textual Amendments**

- F69** 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)
- F71** Words in art. 38(1) 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. 95(2), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)
- F72** Words in art. 38(3)(a) 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. 95(3), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

**Commencement Information**

- I18** Art. 38 wholly in operation; art. 38 not in operation at date of making see art. 1(3); art. 38(1)(2)(3) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(j)**; art. 38 in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), **art. 3**, **Sch.**

**Regulated activity providers: duty to provide information on request etc.** **N.I.**

- 39.**—(1) This Article applies if [<sup>F69</sup>DBS] is considering—
- (a) whether to include any person in a barred list;
  - (b) whether to remove any person from a barred list.
- (2) [<sup>F69</sup>DBS] may require—
- (a) any regulated activity provider who has made arrangements for that person to engage in regulated activity (whether or not the arrangements are still in place),
  - <sup>F73</sup>(b) .....
  - (c) any personnel supplier which is an employment agency or employment business and which acts for or has acted for that person, or
  - (d) any personnel supplier which is an educational institution and which has supplied that person to another person for him to engage in regulated <sup>F74</sup>... activity,
- to provide [<sup>F69</sup>DBS] with any prescribed information he or it holds relating to the person.
- (3) An employment agency acts for a person if it makes arrangements with him with a view to—
    - (a) finding him relevant employment with an employer, or
    - (b) supplying him to employers for relevant employment by them.
  - (4) Relevant employment is employment which consists in or involves engaging in regulated <sup>F75</sup>... activity.
  - (5) An employment business acts for a person if it employs him to engage in regulated <sup>F76</sup>... activity for and under the control of other persons.
  - (6) In this Article “employment” has the same meaning as in Part II of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20).

**Textual Amendments**

- F69** 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)

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

- F73** Art. 39(2)(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. 96(2)(a), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)
- F74** Words in art. 39(2)(d) 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. 96(2)(b), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)
- F75** Words in art. 39(4) 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. 96(3), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)
- F76** Words in art. 39(5) 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. 96(4), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

#### Commencement Information

- I19** Art. 39 wholly in operation; art. 39 not in operation at date of making see art. 1(3); art. 39 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(e)**; art. 39(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(k)**; art. 39 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(c)**

#### Duty to provide information: offences **N.I.**

**40.**—(1) A person commits an offence if—

- (a) he is required under Article 37 or 38 or in pursuance of Article 39 to provide information to [F69DBS], and
- (b) he fails, without reasonable excuse, to provide the information.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F69** 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)

#### Commencement Information

- I20** Art. 40 wholly in operation; art. 40 not in operation at date of making see art. 1(3); art. 40 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(f)**; art. 40 in operation for certain purposes at 13.3.2009 by S.R. 2009/41, **art. 3(2)(e)**; art. 40 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

#### *Education and Library Boards and [F77HSC Bodies]*

#### Textual Amendments

- F77** Words in Order substituted (12.10.2009) by virtue of Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**

**Status:** This version of this Order contains provisions that are prospective.  
**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

**[<sup>F78</sup>The Education Authority] and [<sup>F79</sup>HSC Bodies]: [<sup>F80</sup>power] to refer **N.I.****

**41.**—(1) [<sup>F81</sup>The Education Authority] and an [<sup>F82</sup>HSC body][<sup>F83</sup>may] provide [<sup>F69</sup>DBS] with any <sup>F84</sup>... information it holds relating to a person if the first and second conditions are satisfied.

- (2) The first condition is that [<sup>F85</sup>the Education Authority or the ][<sup>F86</sup>HSC body] thinks—
- (a) that paragraph 1, 2, 7 or 8 of Schedule 1 applies to the person,
  - (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring after the commencement of this Article, or
  - (c) that the harm test is satisfied.
- (3) The harm test is that the person 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,
  - (e) incite another to harm a child or vulnerable adult.
- (4) The second condition is that [<sup>F87</sup>the Education Authority or the ][<sup>F88</sup>HSC body] thinks—
- (a) that the person is [<sup>F89</sup>or has been, or might in future be, engaged] in regulated activity <sup>F90</sup>..., and
  - (b) (except in a case where paragraph 1 [<sup>F91</sup>or 7] of Schedule 1 applies) that [<sup>F69</sup>DBS] may consider it appropriate for the person to be included in a barred list.
- (5) [<sup>F92</sup>The Education Authority] or an [<sup>F93</sup>HSC body] may provide [<sup>F69</sup>DBS] with any <sup>F94</sup>... information it holds relating to a person if—
- (a) [<sup>F95</sup>the Education Authority or the][<sup>F96</sup>HSC body] thinks that a person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring before the commencement of this Article, and
  - (b) the condition in paragraph (4) is satisfied.
- (6) For the purposes of paragraphs (2)(b) or (5)(a), conduct is inappropriate if it appears to [<sup>F97</sup>the Education Authority or the][<sup>F98</sup>HSC body] to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.

#### Textual Amendments

- F69** 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)
- F78** Words in art. 41 heading substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), **Sch. 3 para. 26(1)(a)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F79** Words in Order substituted (12.10.2009) by virtue of [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/305\)](#), **art. 7(3)**
- F80** Word in art. 41 heading substituted (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. 7 para. 14(3)(d)**; S.I. 2012/2234, art. 2(z)(vii)
- F81** Words in art. 41(1) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), **Sch. 3 para. 26(1)(b)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F82** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/305\)](#), **art. 7(3)**

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- F83** Word in art. 41(1) substituted (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. 7 para. 14(3)(a)(i)**; S.I. 2012/2234, art. 2(z)(vii)
- F84** Word in art. 41(1) 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. 7 para. 14(3)(a)(ii), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vii) (bb)
- F85** Words in art. 41(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(1)(c)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F86** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F87** Words in art. 41(4) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(1)(c)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F88** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F89** Words in art. 41(4)(a) substituted (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. 7 para. 14(3)(b)(i)**; S.I. 2012/2234, art. 2(z)(vii)
- F90** Words in art. 41(4)(a) 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. 7 para. 14(3)(b)(ii), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vii) (bb)
- F91** Words in art. 41(4)(b) substituted (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. 7 para. 14(3)(b)(iii)**; S.I. 2012/2234, art. 2(z)(vii)
- F92** Words in art. 41(5) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(1)(d)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F93** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F94** Word in art. 41(5) 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. 7 para. 14(3)(c), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vii) (bb)
- F95** Words in art. 41(5)(a) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(1)(c)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F96** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F97** Words in art. 41(6) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(1)(c)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F98** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**

#### Commencement Information

- I21** Art. 41 wholly in operation; art. 41 not in operation at date of making see art. 1(3); art. 41(1)(5) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(I)**; art. 41 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

[<sup>F99</sup>The Education Authority] and [<sup>F100</sup>HSC bodies]: duty to provide information on request **N.I.**

- 42.—(1) This Article applies if [<sup>F69</sup>DBS] is considering—
- (a) whether to include any person in a barred list;

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(b) whether to remove any person from a barred list.

(2) If [<sup>F69</sup>DBS] thinks that [<sup>F101</sup>the Education Authority] or an [<sup>F102</sup>HSC body] holds any prescribed information relating to the person, it may require [<sup>F103</sup>the Authority or that] body to provide it with the information.

(3) [<sup>F104</sup>The Education Authority or the] body must comply with a requirement under paragraph (2).

#### Textual Amendments

- F69** 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)
- F99** Words in art. 42 heading substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(2)(a)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F100** Words in Order substituted (12.10.2009) by virtue of Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F101** Words in art. 42(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(2)(b)(i)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F102** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F103** Words in art. 42(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(2)(b)(ii)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F104** Words in art. 42(3) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 26(2)(c)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

#### Commencement Information

- I22** Art. 42 wholly in operation; art. 42 not in operation at date of making see art. 1(3); art. 42 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(g)**; art. 42(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(m)**; art. 42 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(d)**

### *Professional bodies and supervisory authorities*

**Registers:** [<sup>F105</sup>power ] to refer **N.I.**

**43.—**(1) A keeper of a relevant register [<sup>F106</sup>may ] provide [<sup>F69</sup>DBS] with any <sup>F107</sup>... information he holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the keeper thinks—

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

(3) The harm test is that the person 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.

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- (4) The second condition is that the keeper thinks—
- (a) that the person is [<sup>F108</sup>or has been, or might in future be, engaged] in regulated activity <sup>F109</sup> ..., and
  - (b) (except in a case where paragraph 1 [<sup>F110</sup>or 7 ] of Schedule 1 applies) that [<sup>F69</sup>DBS] may consider it appropriate for the person to be included in a barred list.
- <sup>F111</sup> [<sup>F112</sup>(4A) .....  
<sup>F111</sup>(4B) .....  
<sup>F111</sup>(4C)] .....
- (5) A keeper of a relevant register may provide [<sup>F69</sup>DBS] with any <sup>F113</sup>... information he holds relating to a person if—
- (a) he thinks that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring before the commencement of this Article, and
  - (b) the condition in paragraph (4) is satisfied.
- (6) For the purposes of paragraph (2)(b) or (5)(a), conduct is inappropriate if it appears to the keeper to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.
- (7) In this Article—
- (a) a relevant register is a register appearing in column 1 of the following table, and
  - (b) in relation a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

<i>Relevant register</i>	<i>Keeper of the register</i>
1. The register of teachers maintained under Article 35 of the Education (Northern Ireland) Order 1998 (NI 13)	The General Teaching Council for Northern Ireland
2. The register of pharmaceutical chemists maintained under Article 6 of the Pharmacy (Northern Ireland) Order 1976 (NI 22)	The registrar appointed under Article 9(1) of that Order
3. [ <sup>F114</sup> Any of] the lists of medical practitioners kept under section 2 of the Medical Act 1983 (c. 54)	The registrar of the General Medical Council
4. The dentists register kept under section 14 of the Dentists Act 1984 (c. 24) or the dental care professionals register kept under section 36B of that Act	The registrar appointed under section 14 of that Act
5. The register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act	The registrar of the General Optical Council

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1989 (c. 44), or the register of persons undertaking training as optometrists or the register of persons undertaking training as dispensing opticians maintained under section 8A of that Act

6. The register of osteopaths maintained under section 2 of the Osteopaths Act 1993 (c. 21)

The Registrar of Osteopaths

7. The register of chiropractors maintained under section 2 of the Chiropractors Act 1994 (c. 17)

The Registrar of Chiropractors

8. The register of social workers and social care workers maintained under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3)

The Northern Ireland Social Care Council

9. The register of qualified nurses and midwives maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253)

The registrar appointed under Article 4 of that Order

10. The register of members of relevant professions maintained under Article 5 of the [F115]Health Professions Order 2001] (S.I. 2002/254)

The registrar appointed under Article 4 of that Order

(8) The Secretary of State may by order amend the table in paragraph (7) by inserting an entry or amending or omitting an entry for the time being contained in the Table.

#### Textual Amendments

- F69** 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)
- F105** Word in art. 43 heading substituted (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. 7 para. 12(1)(e)**; S.I. 2012/2234, art. 2(z)(iii)
- F106** Word in art. 43(1) substituted (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. 7 para. 12(1)(a)(i)**; S.I. 2012/2234, art. 2(z)(iii)
- F107** Word in art. 43(1) 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. 7 para. 12(1)(a)(ii)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(iii) (bb)

**Status:** This version of this Order contains provisions that are prospective.

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- F108** Words in art. 43(4)(a) substituted (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. 7 para. 12(1)(b)(i)**; S.I. 2012/2234, art. 2(z)(iii)
- F109** Words in art. 43(4)(a) 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. 7 para. 12(1)(b)(ii), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(iii) (bb)
- F110** Words in art. 43(4)(b) substituted (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. 7 para. 12(1)(b)(iii); S.I. 2012/2234, art. 2(z)(iii)
- F111** Art. 43(4A)-(4C) 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. 7 para. 12(1)(c), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(iii) (bb)
- F112** Art. 43(4A)-(4C) inserted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 22(a)**
- F113** Word in art. 43(5) 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. 7 para. 12(1)(d), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(iii) (bb)
- F114** Words in art. 43(7) Table substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 22(b)**
- F115** Words in art. 43(7) table substituted (coming into force in accordance with reg. 1 of the amending S.I.) by The Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094), reg. 1, **Sch. 2 para. 23**

#### Commencement Information

- I23** Art. 43 wholly in operation; art. 43 not in operation at date of making see art. 1(3); art. 43(1)(5) (8) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(n)**, **art. 5(f)**; art. 43(7) in operation for certain purposes at 13.3.2009 by S.R. 2009/41, **art. 3(1)(e)**; art. 43 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

#### Registers: duty to provide information on request **N.I.**

- 44.**—(1) This Article applies if [<sup>F69</sup>DBS] is considering—
- (a) whether to include in a barred list a person who appears on a relevant register;
  - (b) whether to remove such a person from a barred list.
- (2) [<sup>F69</sup>DBS] may require the keeper of the register to provide it with any prescribed information he holds relating to the person.
- (3) The keeper of the register must comply with a requirement under paragraph (2).
- (4) References to a relevant register and the keeper of a relevant register must be construed in accordance with Article 43(7).

#### Textual Amendments

- F69** 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)



**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

### Commencement Information

**I24** Art. 44 wholly in operation; art. 44 not in operation at date of making see art. 1(3); art. 44 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(h)**; art. 44(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(o)**; art. 44 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(e)**

### Registers: [F116 provision of barring information to keepers of registers] **N.I.**

45.—[F117(1) Paragraph (2) applies if—

- (a) [F118DBS] knows or thinks that a person (A) appears on a relevant register, and
- (b) either—
  - (i) A is included in a barred list, or
  - (ii) [F118DBS] is aware that A is subject to a relevant disqualification.

(2) [F118DBS] must—

- (a) notify the keeper of the register of the circumstances mentioned in paragraph (1)(b)(i) or (as the case may be) (ii), and
- (b) in the case where A is included in a barred list, provide the keeper of the register with such of the information on which [F118DBS] relied in including A in the list as [F118DBS] considers—
  - (i) to be relevant to the exercise of any function of the keeper, and
  - (ii) otherwise appropriate to provide.

(3) Paragraph (4) applies if the keeper of a relevant register applies to [F118DBS] to ascertain in relation to a person (A) whether—

- (a) A is included in a barred list, or
- (b) [F118DBS] is aware that A is subject to a relevant disqualification.

(4) [F118DBS] must notify the keeper of the register as to whether the circumstances are as mentioned in paragraph (3)(a) or (as the case may be) (b).

(5) [F118DBS] may (whether on an application by the keeper or otherwise) provide to the keeper of a relevant register such relevant information as [F118DBS] considers appropriate.

(5A) Paragraph (5B) applies if—

- (a) a keeper of a register has applied to [F119DBS] to be notified in relation to a person (A) if—
  - (i) A is included in a barred list, or
  - (ii) [F119DBS] is aware that A is subject to a relevant disqualification, and
- (b) the application has not been withdrawn.

(5B) [F119DBS] must notify the keeper of the register if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii).

(5C) For the purposes of paragraph (5A)(b) an application is withdrawn if—

- (a) the keeper of the register notifies [F120DBS] that the keeper no longer wishes to be notified if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii) in relation to A, or
- (b) [F120DBS] cancels the application on either of the following grounds—

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- (i) that the keeper has not answered, within such reasonable period as was required by [F120DBS] , a request from [F120DBS] as to whether the keeper still wishes to be notified if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii), or
- (ii) that A neither appears in the register nor is being considered for inclusion in the register.

(5D) A keeper of a relevant register may apply for information under this Article, or to be notified under this Article, in relation to a person (A) only if—

- (a) A appears in the register, or
- (b) A is being considered for inclusion in the register.

(5E) The duties in paragraphs (2), (4) and (5B) do not apply if [F118DBS]<sup>F121</sup>... is satisfied that the keeper of the register already has the information concerned.

(5F) [F122DBS] may determine the form, manner and contents of an application for the purposes of this Article.

(5G) In this Article relevant information is information—

- (a) which—
  - (i) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
  - (ii) is relevant to the exercise of any function of the keeper of the register, but
- (b) which is not—
  - (i) information that the circumstances are as mentioned in paragraph (1)(b)(i) or (ii) in relation to a person,
  - (ii) any information provided under paragraph (2)(b), or
  - (iii) information falling within paragraph 19(5) of Schedule 1.

(5H) The Secretary of State may by order amend paragraph (5G).]

(6) In this Article—

- (a) a relevant register is a register appearing in column 1<sup>F123</sup> . . . of the table in Article 43(7), and
- (b) in relation a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the Table.

(7) A person is subject to a relevant disqualification if he is included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to a barred list.

### Textual Amendments

- F116** Words in art. 45 heading substituted (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. 7 para. 12\(3\); S.I. 2012/2234, art. 2\(z\)\(v\)](#)
- F117** Art. 45(1)-(5H) substituted for art. 45(1)-(5) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 12\(2\); S.I. 2012/2234, art. 2\(z\)\(iv\)](#)
- F118** Word in art. 45 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\(c\) \(with Pt. 4\)](#)

**Status:** This version of this Order contains provisions that are prospective.

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- F119** Words in art. 45(5A)(5B) 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), **49(d)** (with Pt. 4)
- F120** Words in art. 45(5C) 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), **49(d)** (with Pt. 4)
- F121** Words in art. 45(5E) omitted (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **62** (with Pt. 4)
- F122** Words in art. 45(5F) 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), **49(d)** (with Pt. 4)
- F123** Words in art. 45(6)(a) omitted (1.4.2010) by virtue of [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\)](#), **art. 23**

#### Commencement Information

- I25** Art. 45 partly in operation; art. 45 not in operation at date of making see art. 1(3); art. 45(3)-(5) in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(i)**; art. 45(7) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 5(g)**
- I26** Art. 45(6) in operation at 10.9.2012 by [S.R. 2012/330](#), **art. 2(a)**
- I27** Art. 45(7) in operation at 10.9.2012 in so far as not already in operation by [S.R. 2012/330](#), **art. 2(b)**

### Registers: power to apply for vetting information **N.I.**

<sup>F124</sup>46. ....

#### Textual Amendments

- F124** Art. 46 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. 7 para. 12(4), **Sch. 10 Pt. 5**; [S.I. 2012/2234](#), art. 2(z)(v)(bb)

#### Commencement Information

- I28** Art. 46 partly in operation; art. 46 not in operation at date of making see art. 1(3); art. 46(6)(7) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(p)**, **art. 5(h)**

### Supervisory authorities: [<sup>F125</sup>power] to refer **N.I.**

47.—(1) A supervisory authority [<sup>F126</sup>may] provide [<sup>F127</sup>DBS] with any <sup>F128</sup>... information it holds relating to a person if the first and second conditions are satisfied.

- (2) The first condition is that the supervisory authority thinks, on the basis of relevant evidence—
- that paragraph 1, 2, 7 or 8 of Schedule 1 applies to the person,
  - that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring after the commencement of this Article, or
  - that the harm test is satisfied.
- (3) The harm test is that the person may—
- harm a child or vulnerable adult,
  - cause a child or vulnerable adult to be harmed,
  - put a child or vulnerable adult at risk of harm,
  - attempt to harm a child or vulnerable adult, or

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- (e) incite another to harm a child or vulnerable adult.
- (4) The second condition is that the supervisory authority thinks—
  - (a) that the person is [<sup>F129</sup>or has been, or might in future be, engaged] in regulated activity <sup>F130</sup>..., and
  - (b) (except in a case where paragraph 1 [<sup>F131</sup>or 7] of Schedule 1 applies) that [<sup>F127</sup>DBS] may consider it appropriate for the person to be included in a barred list.
- (5) The supervisory authority may provide [<sup>F127</sup>DBS] with any <sup>F132</sup>... information it holds relating to a person if—
  - (a) it thinks, on the basis of relevant evidence, that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring before the commencement of this Article, and
  - (b) the condition in paragraph (4) is satisfied.
- <sup>F133</sup>(6) .....
- (7) A supervisory authority is—
  - (a) [<sup>F134</sup>RQIA] in respect of its functions under the 2003 Order;
  - (b) an inspector appointed under Article 102 of the Education and Libraries (Northern Ireland) Order 1986 in the exercise of his functions.
- <sup>F135</sup>(c) the Charity Commission for Northern Ireland in respect of its functions under the Charities Act (Northern Ireland) 2008 (c.12)]
- (8) Relevant evidence is evidence obtained by the supervisory authority in the exercise of the functions mentioned in paragraph (7).
- (9) The Secretary of State may by order amend paragraph (7) by inserting a sub-paragraph or amending or omitting a sub-paragraph for the time being contained in that paragraph.
- (10) For the purposes of paragraph (2)(b) or (5)(a), conduct is inappropriate if it appears to the supervisory authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.

**Textual Amendments**

- F125** Word in art. 47 substituted (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. 7 para. 13\(1\)\(e\)](#); S.I. 2012/2234, art. 2(z)(vi)
- F126** Word in art. 47(1) substituted (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. 7 para. 13\(1\)\(a\)\(i\)](#); S.I. 2012/2234, art. 2(z)(vi)
- F127** Word in arts. 47-49 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\(d\)](#) (with Pt. 4)
- F128** Word in art. 47(1) 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. 7 para. 13\(1\)\(a\)\(ii\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(vi)(bb)
- F129** Words in art. 47(4)(a) substituted (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. 7 para. 13\(1\)\(b\)\(i\)](#); S.I. 2012/2234, art. 2(z)(vi)
- F130** Words in art. 47(4)(a) 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](#)

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Freedoms Act 2012 (c. 9), Pt. 5s. 120, **Sch. 7 para. 13(1)(b)(ii)** Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(z)(vi)(bb)

**F131** Words in art. 47(4)(b) substituted (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. 7 para. 13(1)(b)(iii)**; S.I. 2012/2234, art. 2(z)(vi)

**F132** Word in art. 47(5) 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. 7 para. 13(1)(c), Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vi)(bb)

**F133** Art. 47(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. 7 para. 13(1)(d), Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vii) (bb)

**F134** Words in art. 47(7)(a) substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 15(2)**

**F135** Art. 47(7)(c) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(5)**

#### Commencement Information

**I29** Art. 47 wholly in operation; art. 47 not in operation at date of making see art. 1(3); art. 47(1)(5) (9) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(q), art. 5(i)**; art. 47(7) in operation for certain purposes at 13.3.2009 by S.R. 2009/41, **art. 3(1)(f)**; art. 47 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3, Sch.**

#### Supervisory authorities: duty to provide information on request **N.I.**

**48.—(1)** This Article applies if [<sup>F127</sup>DBS] is considering—

- (a) whether to include in a barred list a person in relation to whom [<sup>F127</sup>DBS] thinks that a supervisory authority may have prescribed information;
- (b) whether to remove such a person from a barred list.

(2) [<sup>F127</sup>DBS] may require the supervisory authority to provide it with any prescribed information it holds relating to the person.

(3) The supervisory authority must comply with a requirement under paragraph (2).

#### Textual Amendments

**F127** Word in arts. 47-49 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(d)** (with Pt. 4)

#### Commencement Information

**I30** Art. 48 wholly in operation; art. 48 not in operation at date of making see art. 1(3); art. 48 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(j)**; art. 48(1)(a)(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(r)**; art. 48 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(f)**

#### Supervisory authorities: power to apply for [<sup>F136</sup>certain barring ] information **N.I.**

**49.—(1)** If a supervisory authority applies to the [<sup>F127</sup>DBS] for information within paragraph (2) or (3) relating to a person (B), the [<sup>F127</sup>DBS] must provide the supervisory authority with that information.

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(2) The information within this paragraph is—

(a) whether B is barred from regulated activity relating to children,

<sup>F137</sup>(b) .....

<sup>F137</sup>(c) .....

<sup>F137</sup>(d) .....

<sup>F137</sup>(e) .....

(3) The information within this paragraph is—

(a) whether B is barred from regulated activity relating to vulnerable adults,

<sup>F138</sup>(b) .....

<sup>F138</sup>(c) .....

<sup>F138</sup>(d) .....

<sup>F138</sup>(e) .....

(4) A supervisory authority may apply for information under this Article only if the information is required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).

<sup>F139</sup>(5) .....

(6) The Secretary of State may by order amend this Article for the purpose of altering the information within paragraph (2) or (3).

(7) [<sup>F140</sup>DBS] may [<sup>F141</sup>determine] the form, manner and contents of an application for the purposes of this Article.

**Textual Amendments**

**F127** Word in arts. 47-49 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(d)** (with Pt. 4)

**F136** Words in art. 49 heading substituted (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. 7 para. 13(2)(a)**; S.I. 2012/2234, art. 2(z)(vi)

**F137** Art. 49(2)(b)-(e) 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. 7 para. 13(2)(c)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vi)(bb)

**F138** Art. 49(3)(b)-(e) 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. 7 para. 13(2)(d)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vi)(bb)

**F139** Art. 49(5) 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. 7 para. 13(2)(e)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(vi)(bb)

**F140** Words in art. 49(7) 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), **49(e)** (with Pt. 4)

**F141** Word in art. 49(7) substituted (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. 7 para. 13(2)(f)**; S.I. 2012/2234, art. 2(z)(vi)

**Commencement Information**

**I31** Art. 49 partly in operation; art. 49 not in operation at date of making see art. 1(3); art. 49(6)(7) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(s)**, **art. 5(j)**

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**I32** Art. 49(1)-(4) in operation at 10.9.2012 by S.R. 2012/330, **art. 2(c)**

**I33** Art. 49(7) in operation at 10.9.2012 in so far as not already in operation by S.R. 2012/330, **art. 2(d)**

**Supervisory authorities: notification of barring, etc in respect of children** **N.I.**

**50.**—(1) This Article applies if—

- (a) a person is <sup>F142</sup>... included in the children's barred list,
- (b) [<sup>F143</sup>DBS] becomes aware that a person is subject to a relevant children's disqualification,  
<sup>F144</sup>...
- <sup>F144</sup>(c) .....

(2) [<sup>F145</sup>DBS] must notify every interested supervisory authority of the circumstance mentioned in sub-paragraph (a), (b) or (c) (as the case may be) of paragraph (1).

(3) A supervisory authority is an interested supervisory authority only if—

- (a) it has applied to [<sup>F146</sup>DBS] to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person, and
- (b) the application has not been withdrawn.

(4) A supervisory authority may apply to [<sup>F147</sup>DBS] under paragraph (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).

(5) For the purposes of paragraph (3)(b) an application is withdrawn if the supervisory authority notifies [<sup>F148</sup>DBS] that it no longer wishes to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person.

(6) A person is subject to a relevant children's disqualification if he is included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

(7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this Article.

(8) [<sup>F149</sup>DBS] may [<sup>F150</sup>determine] the form, manner and contents of an application for the purposes of this Article.

**Textual Amendments**

**F142** Word in art. 50(1)(a) 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. 7 para. 13\(3\)\(a\)\(ii\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(bb\)](#)

**F143** Words in art. 50(1) 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), **49(f)** (with Pt. 4)

**F144** Art. 50(1)(c) and preceding word 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. 7 para. 78, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(bb\)](#)

**F145** Words in art. 50(2) 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), **49(f)** (with Pt. 4)

**F146** Words in art. 50(3) 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), **49(f)** (with Pt. 4)

**F147** Words in art. 50(4) 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), **49(f)** (with Pt. 4)

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- F148** Words in art. 50(5) 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), **49(f)** (with Pt. 4)
- F149** Words in art. 50(8) 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), **49(f)** (with Pt. 4)
- F150** Word in art. 50(8) substituted (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. 7 para. 13(3)(g)**; S.I. 2012/2234, art. 2(z)(vi)

**Commencement Information**

- I34** Art. 50 partly in operation; art. 50 not in operation at date of making see art. 1(3); art. 50(6)(7)(8) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(t), art. 5(k)**

**Supervisory authorities: notification of barring, etc. in respect of vulnerable adults** N.I.

**51.—**(1) This Article applies if—

- (a) a person is <sup>F151</sup>... included in the adults' barred list,
- (b) [<sup>F152</sup>DBS] becomes aware that a person is subject to a relevant adults' disqualification, <sup>F153</sup>...
- <sup>F153</sup>(c) .....

(2) [<sup>F154</sup>DBS] must notify every interested supervisory authority of the circumstance mentioned in sub-paragraph (a), (b) or (c) (as the case may be) of paragraph (1).

(3) A supervisory authority is an interested supervisory authority only if—

- (a) it has applied to [<sup>F155</sup>DBS] to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person, and
- (b) the application has not been withdrawn.

(4) A supervisory authority may apply to [<sup>F156</sup>DBS] under paragraph (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).

(5) For the purposes of paragraph (3)(b) an application is withdrawn if the supervisory authority notifies [<sup>F157</sup>DBS] that it no longer wishes to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person.

(6) A person is subject to a relevant adults' disqualification if he is included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

(7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this Article.

(8) [<sup>F158</sup>DBS] may [<sup>F159</sup>determine] the form, manner and contents of an application for the purposes of this Article.

**Textual Amendments**

- F151** Word in art. 51(1)(a) 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. 7 para. 13(4)(a)(ii), **Sch. 10 Pt. 5**; S.I. 2012/2234, **art. 2(bb)**
- F152** Words in art. 51(1) 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), **49(g)** (with Pt. 4)
- F153** Art. 51(1)(c) and preceding word repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by



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Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 7 para. 13(4)(a)(v), **Sch. 10 Pt. 5**; S.I. 2012/2234, **art. 2(bb)**

- F154** Words in art. 51(2) 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), **49(g)** (with Pt. 4)
- F155** Words in art. 51(3) 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), **49(g)** (with Pt. 4)
- F156** Words in art. 51(4) 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), **49(g)** (with Pt. 4)
- F157** Words in art. 51(5) 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), **49(g)** (with Pt. 4)
- F158** Words in art. 51(8) 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), **49(g)** (with Pt. 4)
- F159** Word in art. 51(8) substituted (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. 7 para. 13(4)(g)**; S.I. 2012/2234, art. 2(z)(vi)

#### Commencement Information

- I35** Art. 51 partly in operation; art. 51 not in operation at date of making see art. 1(3); art. 51(6)(7)(8) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(u)**, **art. 5(l)**

#### Provision of information to supervisory authorities **N.I.**

**52.**—(1) This Article applies if [<sup>F160</sup>DBS] has information that it thinks is relevant to a supervisory authority.

(2) [<sup>F160</sup>DBS][<sup>F161</sup>may (whether on an application by the authority or otherwise)] provide the supervisory authority with the information.

(3) Information is relevant to a supervisory authority if—

- (a) it relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
- (b) is relevant to the exercise of any function of the authority [<sup>F162</sup>which is mentioned in Article 47(7)],

but does not include information falling within paragraph 19(5) of Schedule 1 [<sup>F163</sup>or of any circumstance mentioned in Article 50(1) or 51(1)] in relation to a person.

[<sup>F164</sup>(4) A supervisory authority may apply to [<sup>F160</sup>DBS] under this Article only if the information is required in connection with the exercise of a function of the supervisory authority which is mentioned in Article 47(7).

(5) [<sup>F165</sup>DBS] may determine the form, manner and contents of an application for the purposes of this Article.]

#### Textual Amendments

- F160** Word in art. 52 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(e)** (with Pt. 4)
- F161** Words in art. 52(2) substituted (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. 7 para. 13(5)(a)**; S.I. 2012/2234, art. 2(z)(vi)
- F162** Words in art. 52(3)(b) inserted (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. 7 para. 13(5)(b)(i)**; S.I. 2012/2234, art. 2(z)(vi)

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

- F163** Words in art. 52(3) substituted (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. 7 para. 13(5)(b)(ii)**; S.I. 2012/2234, art. 2(z)(vi)
- F164** Art. 52(4)(5) inserted (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. 7 para. 13(5)(c)**; S.I. 2012/2234, art. 2(z)(vi)
- F165** Words in art. 52(5) 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), **49(h)** (with Pt. 4)

#### Commencement Information

- I36** Art. 52 partly in operation; art. 52 not in operation at date of making see art. 1(3); art. 52 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(k)**
- I37** Art. 52 in operation at 10.9.2012 in so far as not already in operation by S.R. 2012/330, **art. 2(e)**

### *[<sup>F166</sup>Provision of information to the police*

#### Textual Amendments

- F166** Art. 52A and preceding cross-heading inserted (30.11.2009) by Policing and Crime Act 2009 (c. 26), **ss. 91, 116(1)**; S.I. 2009/3096, **art. 2(b)**

#### Provision of information to the police [<sup>F167</sup>etc.] **N.I.**

**52A.**—(1) [<sup>F168</sup>DBS] may provide any information it has to the chief constable of the Police Service of Northern Ireland [<sup>F169</sup>, a chief officer of police or the chief constable of a police force in Scotland] for use for any of the following purposes—

- (a) the prevention, detection and investigation of crime;
- (b) the apprehension and prosecution of offenders.
- [ the appointment of persons who are under the direction and control of the chief constable <sup>F170</sup>(c) or (as the case may be) chief officer;
- (d) any prescribed purpose]

[  
<sup>F171</sup>(1A) [<sup>F168</sup>DBS] must, for use for any of the purposes mentioned in paragraph (1), provide to any chief constable or chief officer mentioned in that paragraph who has requested it a barred list or information as to whether a particular person is barred.

(1B) [<sup>F168</sup>DBS] may, for use for the purposes of the protection of children or vulnerable adults, provide to a relevant authority any information which [<sup>F168</sup>DBS] reasonably believes to be relevant to that authority.

(1C) [<sup>F168</sup>DBS] must, for use for the purposes of the protection of children or vulnerable adults, provide to any relevant authority who has requested it information as to whether a particular person is barred.

(1D) In this Article “relevant authority” means—

- (a) the Department of Justice, exercising functions in relation to prisons and youth justice,
- (b) the Probation Board for Northern Ireland, or
- (c) an HSC body.]

*Status:* This version of this Order contains provisions that are prospective.

*Changes to legislation:* The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

(2) The [F172 powers conferred by this Article do] not limit any other power of [F168 DBS] to provide information for any purpose or to any person.]

**Textual Amendments**

- F167** Word in art. 52A heading inserted (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. 97\(3\)](#); S.I. 2012/2234, art. 2(aa)(v)
- F168** Word in art. 52A 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(e)** (with Pt. 4)
- F169** Words in art. 52A(1) substituted (10.8.2012 for specified purposes, 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. 7 para. 14\(4\)\(a\)](#); S.I. 2012/2075, art. 2(b); S.I. 2012/2234, art. 2(z)(vii)
- F170** Art. 52A(1)(c)(d) inserted (10.8.2012 for specified purposes, 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. 7 para. 14\(4\)\(b\)](#); S.I. 2012/2075, art. 2(b); S.I. 2012/2234, art. 2(z)(vii)
- F171** Arts. 52A(1A)-(1D) inserted (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. 7 para. 14\(5\)](#); S.I. 2012/2234, art. 2(z)(vii)
- F172** Words in art. 52A(2) substituted (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. 97\(2\)](#); S.I. 2012/2234, art. 2(aa)(v)

*Miscellaneous*

**Crown application** N.I.

53.—(1) Subject to the provisions of this Article, this Order and any regulations or orders made under it bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

(2) No contravention by the Crown of any provision of this Order or of any regulations or order made under it makes the Crown criminally liable.

(3) Despite paragraph (2), this Order and any regulations or orders made under it apply to persons in Crown employment (within the meaning of the Employment Rights (Northern Ireland) Order 1996 (NI 16)) as they apply to other persons.

(4) Paragraph (2) of Article 10 does not apply in relation to any activity carried out by the Crown.

(5) Each government department and other body performing functions on behalf of the Crown—

(a) if the department or body engages in regulated activity, is the regulated activity provider in relation to the activity;

F173(b) .....

(6) In paragraph (5) “body” includes office-holder.

**Textual Amendments**

- F173** Art. 53(5)(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. 98, Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(aa)(v)(bb)

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

### Commencement Information

**I38** Art. 53 wholly in operation; art. 53 not in operation at date of making see art. 1(3); art. 53 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(1)**; art. 53 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3, Sch.**

### Referrals: findings of fact immaterial **N.I.**

**54.**—(1) For the purposes of the provisions mentioned in paragraph (2), it is immaterial whether there is a finding of fact in any proceedings.

(2) The provisions are—

- (a) Article 37(3)(b) and (c);
- (b) Article 38(4)(b) and (c);
- (c) Article 41(2)(b) and (c) and (5)(a);
- (d) Article 43(2)(b) and (c) and (5)(a);
- (e) Article 47(2)(b) and (c) and (5)(a).

### Fostering **N.I.**

**55.**—(1) Despite Article 4, this Order applies to activity that is regulated activity by virtue of paragraph 1(5) of Schedule 2.

(2) Paragraph (1) does not affect the operation of this Order in relation to any other activity that is carried out in connection with a foster child.

(3) Paragraph (4) applies if a person (P)—

- (a) makes arrangements for another person to foster a child as a private foster parent, and
- (b) has power to terminate the arrangements.

(4) P is, if he would not otherwise be, a regulated activity provider in relation to fostering carried out by the foster parent in pursuance of the arrangements.

(5) The following provisions of this Article apply for the purposes of this Order.

(6) A person fosters a child if he is a foster parent of the child.

(7) A person is a foster parent if—

- (a) he is an authority foster parent within the meaning of Article 27(3) of the Children Order;
- (b) he is a person with whom a child has been placed by a voluntary organisation under Article 75(1)(a) of that Order;
- (c) he is a private foster parent.

(8) A person is a private foster parent if he falls within paragraph (9) and looks after a child—

- (a) for reward, or
- (b) in pursuance of an arrangement made by someone other than a member of the child's family.

(9) A person falls within this paragraph if—

- (a) he fosters the child privately within the meaning of Article 106(1) of the Children Order,
- (b) he would be so fostering the child but for Article 107(1) of that Order (minimum period of 28 days), or
- (c) (in the case of a child who has attained the age of 16) he would fall within sub-paragraph (a) or (b) if the child were under the age of 16.

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

(10) A person's family includes—

- (a) the person's foster child;
- (b) the foster child of any member of the person's family;

and references to a family relationship and family member are to be construed accordingly.

#### Commencement Information

**I39** Art. 55 wholly in operation; art. 55 not in operation at date of making see art. 1(3); art. 55 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(m)**; art. 55 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(g)**

#### Alignment with rest of UK **N.I.**

**56.**—(1) The Secretary of State may, by order, make such provision (including provision amending any statutory provision, including this Order) as he thinks necessary or expedient in consequence of or having regard to any relevant England and Wales legislation or any relevant Scottish legislation.

(2) An order may—

<sup>F174</sup>(a) .....

(b) confer power to make subordinate legislation.

(3) Relevant England and Wales legislation is any provision applying in England or Wales made by or under an Act of Parliament which the Secretary of State thinks—

(a) corresponds to provision made by or under this Order,

(b) <sup>F175</sup> ... or

(c) affects the operation of any provision made by or under this Order.

(4) Relevant Scottish legislation is any provision made by or under an Act of the Scottish Parliament which the Secretary of State thinks—

(a) corresponds to provision made by or under this Order,

(b) <sup>F176</sup> ... or

(c) affects the operation of any provision made by or under this Order.

<sup>F177</sup>(5) .....

#### Textual Amendments

**F174** Art. 56(2)(a) 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. 99(2), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

**F175** Art. 56(3)(b) (except the word "or") 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. 99(3), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

**F176** Art. 56(4)(b) (except the word "or") 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. 99(4), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

**F177** Art. 56(5) 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. 99\(5\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(aa)(v)(bb)

#### Commencement Information

**I40** Art. 56 wholly in operation; art. 56 not in operation at date of making see art. 1(3); art. 56(1)(2) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 5\(m\)](#); art. 56 in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346, art. 3, Sch.](#)

### General

#### Damages **N.I.**

**57.**—(1) No claim for damages lies in respect of any loss or damage suffered by any person in consequence of—

- (a) the fact that an individual is included in a barred list;
- (b) the fact that an individual is not included in a barred list;
- (c) the provision of <sup>F178</sup>... information in pursuance of any of Articles 37, 38, 39, 41, 42, 43, 44, 47 and 48.

(2) Paragraph (1)(c) does not apply to the provision of information which is untrue by a person who knows the information is untrue and either—

- (a) he is the originator of the information and he knew at the time he originated the information that it was not true, or
- (b) he causes another person to be the originator of the information knowing, at the time the information is originated, that it is untrue.

(3) Nothing in this Order affects section 8 of the Human Rights Act 1998 (c. 42) as it relates to the power of a court to award damages in respect of an unlawful act of a public authority (within the meaning of that Act).

#### Textual Amendments

**F178** Word in [art. 57\(1\)\(c\)](#) 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. 100, Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(aa)(v)(bb)

#### Commencement Information

**I41** Art. 57 wholly in operation; art. 57 not in operation at date of making see art. 1(3); art. 57 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(n\)](#); art. 57 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(h\)](#)

#### Orders and regulations **N.I.**

**58.**—(1) Orders or regulations under this Order shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

(2) Paragraph (1) does not apply to an order made under Article 1, including such an order which contains provision made under Article 61 (except paragraph (3) of that Article).

**Status:** This version of this Order contains provisions that are prospective.

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

## Transitional provision **N.I.**

59. Schedule 6 has effect.

### Commencement Information

**I42** Art. 59 wholly in operation at 14.4.2008; art. 59 not in operation at date of making see art. 1(3); art. 59 in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), [art. 3\(d\)](#); art. 59 in operation at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(o\)](#)

## Amendments and repeals **N.I.**

60.—(1) Schedule 7 contains amendments.

(2) Schedule 8 contains repeals.

### Commencement Information

**I43** Art. 60 partly in operation; art. 60 not in operation at date of making see art. 1(3); art. 60(1) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), [art. 3\(c\)](#); art. 60 in operation for certain purposes at 12.10.2009 by [S.R. 2009/304](#), [art. 3\(c\)](#); art. 60 in operation for certain purposes at 12.10.2009 by [S.R. 2009/346](#), [art. 3](#), [Sch.](#); art. 60(2) in operation for certain purposes at 12.10.2009 by [S.R. 2009/346](#), [art. 4](#); art. 60(2) in operation for certain purposes at 7.4.2010 by [S.R. 2010/145](#), [art. 3](#)

## Supplementary, incidental, consequential etc. provision **N.I.**

61.—(1) An order or regulations under this Order may include—

- (a) such supplementary, incidental or consequential provision, or
- (b) such transitory, transitional or saving provision,

as the Secretary of State thinks necessary or expedient.

(2) The Secretary of State may by order make such further provision as he considers appropriate—

- (a) for the general purposes, or any particular purpose, of this Order;
- (b) in consequence of any provision made by this Order;
- (c) for giving full effect to this Order or any provision made by it.

(3) An order or regulations under this Order may amend, repeal, revoke or otherwise modify any statutory provision (including this Order).

(4) Nothing in this Order affects the generality of the power conferred by this Article.

*Christine Cook*  
Deputy Clerk of the Privy Council

**Status:**

This version of this Order contains provisions that are prospective.

**Changes to legislation:**

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 27 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 :**

- Sch. 1 para. 1(2)(3) substituted by [2009 c. 26 s. 92\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 92 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 1 para. 2(2)(3) substituted by [2009 c. 26 s. 92\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 92 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 1 para. 7(2)(3) substituted by [2009 c. 26 s. 92\(4\)](#) (This amendment not applied to legislation.gov.uk. S. 92 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 1 para. 8(2)(3) substituted by [2009 c. 26 s. 92\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 92 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 1 para. 6(1)(a) words inserted by [2012 c. 9 Sch. 7 para. 11\(2\)\(a\)](#)
- Sch. 1 para. 6(1)(a) words inserted by [2012 c. 9 Sch. 7 para. 11\(2\)\(b\)](#)
- Sch. 1 para. 12(1)(a) words inserted by [2012 c. 9 Sch. 7 para. 11\(4\)\(a\)](#)
- Sch. 1 para. 12(1)(a) words inserted by [2012 c. 9 Sch. 7 para. 11\(4\)\(b\)](#)
- Sch. 1 para. 24(8) words substituted by [2009 c. 26 s. 92\(6\)](#) (This amendment not applied to legislation.gov.uk. S. 92 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- Sch. 1 para. 6(1)(a) words substituted by [2012 c. 9 Sch. 7 para. 11\(2\)\(c\)](#)
- Sch. 1 para. 12(1)(a) words substituted by [2012 c. 9 Sch. 7 para. 11\(4\)\(c\)](#)
- Sch. 5 coming into force by [S.R. 2012/330 art. 3](#)
- Sch. 7 para. 3 coming into force by [S.R. 2009/346 art. 3Sch. \(This amendment not applied to legislation.gov.uk. Sch. 7 para. 3 already in force at 12.10.2009 by S.R. 2009/304, art. 3\(a\)\)](#)
- art. 33(2)(b) and word repealed by [2009 c. 26 s. 90\(3\)\(a\)Sch. 8 Pt. 8](#) (This amendment not applied to legislation.gov.uk. S. 90 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- art. 33(3)(b) and word repealed by [2009 c. 26 s. 90\(3\)\(a\)Sch. 8 Pt. 8](#) (This amendment not applied to legislation.gov.uk. S. 90 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- art. 33(4) repealed by [2009 c. 26 s. 90\(3\)\(b\)Sch. 8 Pt. 8](#) (This amendment not applied to legislation.gov.uk. S. 90 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- art. 33(5) repealed by [2009 c. 26 s. 90\(3\)\(b\)Sch. 8 Pt. 8](#) (This amendment not applied to legislation.gov.uk. S. 90 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- art. 35(1) word substituted by [2012 c. 9 Sch. 7 para. 9\(2\)\(a\)](#)
- art. 35(2) word substituted by [2012 c. 9 Sch. 7 para. 9\(2\)\(b\)](#)
- art. 36 heading words substituted by [2012 c. 9 Sch. 7 para. 9\(3\)\(a\)](#)
- art. 36(1) words substituted by [2012 c. 9 Sch. 7 para. 9\(3\)\(b\)](#)
- art. 36A-36C inserted by [2009 c. 26 s. 90\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 90 repealed (10.9.2012) without ever being in force by 2012 c. 9, s. 120, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(bb))
- art. 43(7) Table words inserted by [S.I. 2024/374 Sch. 5 para. 15](#)



- art. 46(4)(a) words omitted by S.I. 2009/1182 Sch. 5 para. 13 (This effect comes into force on the coming into force of art. 46(1) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)). Art. 46 revoked (10.9.2012) by 2012 c. 9, Sch. 7 para. 12(4), Sch. 10 Pt. 5; S.I. 2012/2234 art. 2(z)(v) (bb))
- art. 50(1) words substituted by 2012 c. 9 Sch. 7 para. 13(3)(a)(i)
- art. 50(1)(a) word inserted by 2012 c. 9 Sch. 7 para. 13(3)(a)(iii)
- art. 50(1)(b) word substituted by 2012 c. 9 Sch. 7 para. 13(3)(a)(iv)
- art. 50(2) words substituted by 2012 c. 9 Sch. 7 para. 13(3)(b)
- art. 50(3)(a) words substituted by 2012 c. 9 Sch. 7 para. 13(3)(d)
- art. 50(5) word inserted by 2012 c. 9 Sch. 7 para. 13(3)(e)(i)
- art. 50(5) words substituted by 2012 c. 9 Sch. 7 para. 13(3)(e)(ii)
- art. 51(1) words substituted by 2012 c. 9 Sch. 7 para. 13(4)(a)(i)
- art. 51(1)(a) word inserted by 2012 c. 9 Sch. 7 para. 13(4)(a)(iii)
- art. 51(1)(b) word substituted by 2012 c. 9 Sch. 7 para. 13(4)(a)(iv)
- art. 51(2) words substituted by 2012 c. 9 Sch. 7 para. 13(4)(b)
- art. 51(3)(a) words substituted by 2012 c. 9 Sch. 7 para. 13(4)(d)
- art. 51(5) word inserted by 2012 c. 9 Sch. 7 para. 13(4)(e)(i)
- art. 51(5) words substituted by 2012 c. 9 Sch. 7 para. 13(4)(e)(ii)

**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)