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STATUTORY INSTRUMENTS

2007 No.1351 (N.I. 11)

NORTHERN IRELAND

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

Made - - - - 2nd May 2007

Laid - - - - 9th May 2007

*Coming into operation in accordance with Article
1(2) and (3)*

**THE SAFEGUARDING VULNERABLE
GROUPS (NORTHERN IRELAND) ORDER 2007**

Title and commencement

1. Title and commencement

Interpretation

2. Interpretation
3. Vulnerable adults
4. Family and personal relationships

Barring

5. The Disclosure and Barring Service
6. Barred lists
7. Barred persons
8. Appeals

Regulated activity

9. Regulated activity

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Regulated activity providers

10. Regulated activity providers

Restrictions on participating in regulated activity

- 11. Barred person not to engage in regulated activity
- 12. Person not to engage in regulated activity unless subject to monitoring
- 13. Use of barred person for regulated activity
- 14. Use of person not subject to monitoring for regulated activity
- 15. Regulated activity provider: failure to check
- 16. Personnel suppliers: failure to check
- 17. Educational establishments: check on members of governing body
- 18. Office holders: offences
- 19. Articles 17 and 18: checks

Exceptions

- 20. Exception to requirement to make monitoring check
- 21. HSS employment

Offences: supplementary

- 22. Offences: companies, etc.
- 23. Offences: other persons
- 24. Article 23: exclusions and defences

Controlled activity

- 25. Controlled activity relating to children
- 26. Controlled activity relating to vulnerable adults
- 27. Controlled activity: regulations

Monitoring

- 28. Monitoring
- 28A. Monitoring: power to prescribe additional fees
- 29. Monitoring fees
- 30. Ceasing monitoring
- 31. Prohibition of requirement to produce certain records

Notices and information

- 32. Provision of vetting information
- 33. Meaning of relevant information in Article 32
- 34. Notification of cessation of monitoring
- 35. Cessation of registration
- 36. Declarations under Articles 32 and 34
- 36A. Notification of proposal to include person in children's barred list

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- 36B Notification of proposal to include person in adults' barred list
- 36C Articles 36A and 36B: notification of outcome
- 37. Regulated activity providers: duty to refer
- 38. Personnel suppliers: duty to refer
- 39. Regulated activity providers: duty to provide information on request etc.
- 40. Duty to provide information: offences

Education and Library Boards and HSC Bodies

- 41. The Education Authority and HSC Bodies: power to refer
- 42. The Education Authority and HSC bodies: duty to provide information on request

Professional bodies and supervisory authorities

- 43. Registers: power to refer
- 44. Registers: duty to provide information on request
- 45. Registers: provision of barring information to keepers of registers
- 46. Registers: power to apply for vetting information
- 47. Supervisory authorities: power to refer
- 48. Supervisory authorities: duty to provide information on request
- 49. Supervisory authorities: power to apply for certain barring information
- 50. Supervisory authorities: notification of barring, etc in respect of children
- 51. Supervisory authorities: notification of barring, etc. in respect of vulnerable adults
- 52. Provision of information to supervisory authorities

Provision of information to the police

- 52A Provision of information to the police etc.

Miscellaneous

- 53. Crown application
- 54. Referrals: findings of fact immaterial
- 55. Fostering
- 56. Alignment with rest of UK

General

- 57. Damages
 - 58. Orders and regulations
 - 59. Transitional provision
 - 60. Amendments and repeals
 - 61. Supplementary, incidental, consequential etc. provision
- Signature

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SCHEDULES

SCHEDULE 1 — BARRED LISTS PART I — CHILDREN'S BARRED LIST

Automatic inclusion

- (1) This paragraph applies to a person if any of...

Inclusion subject to consideration of representations

- (1) This paragraph applies to a person if any of...

Behaviour

- (1) This paragraph applies to a person if—
- (1) For the purposes of paragraph 3 relevant conduct is—...

Risk of harm

- (1) This paragraph applies to a person if—

Restriction on inclusion

- (1) DBS must not include a person in the children's...
PART II — ADULTS' BARRED LIST

Automatic inclusion

- (1) This paragraph applies to a person if any of...

Inclusion subject to consideration of representations

- (1) This paragraph applies to a person if any of...

Behaviour

- (1) This paragraph applies to a person if—
- (1) For the purposes of paragraph 9 relevant conduct is—...

Risk of harm

- (1) This paragraph applies to a person if—

Restriction on inclusion

- (1) DBS must not include a person in the adults'...
PART III — SUPPLEMENTARY

Procedure

- (1) DBS must ensure that in respect of any information it...
- When an individual is included in a barred list DBS...
- (1) The Secretary of State may, by regulations, make provision...

Representations

- (1) A person who is, by virtue of any provision...

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17. (1) This paragraph applies to a person who is included...

Review

18. (1) A person who is included in a barred list...
18A (1) Sub-paragraph (2) applies if a person's inclusion in a...

Information

19. (1) DBS may require— (a) any person who holds records...
20. (1) The Department of Health, Social Services and Public Safety...
21. DBS must provide the Secretary of State with the prescribed...
22. DBS must inform the Scottish Ministers if a person is...
23. DBS may— (a) at the request of the Secretary of...

Prescribed criteria

24. (1) The criteria which may be prescribed for the purposes...
25. (1) A court by or before which a person is...

SCHEDULE 2 — REGULATED ACTIVITY

PART I — REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

1. (1) An activity is a regulated activity relating to children...

Activities

2. (1) The activities referred to in paragraph 1(1) are—

Establishments

3. (1) The establishments referred to in paragraph 1(2).

Positions

4. REGULATED ACTIVITY
5. A person who is part of a group in relation...

Guidance

- 5A (1) The Secretary of State must give guidance for the...

Exceptions

6. The Secretary of State may, by order, provide that in...
PART II — REGULATED ACTIVITY RELATING TO VULNERABLE
ADULTS

7. (1) Each of the following is a regulated activity relating...

8. REGULATED ACTIVITY

9. The Secretary of State may, by order, provide that in...

PART III — THE PERIOD CONDITION

10. (1) The period condition is satisfied if the person carrying...

SCHEDULE 3 — APPROPRIATE VERIFICATION

PART I — DEFAULT POSITION

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1. APPROPRIATE VERIFICATION
2. APPROPRIATE VERIFICATION
3. APPROPRIATE VERIFICATION
4. APPROPRIATE VERIFICATION
PART II — PRESCRIBED VERIFICATION
5. APPROPRIATE VERIFICATION
6. APPROPRIATE VERIFICATION
7. APPROPRIATE VERIFICATION
PART III — PRESCRIBED VERIFICATION
8. APPROPRIATE VERIFICATION
9. APPROPRIATE VERIFICATION
10. APPROPRIATE VERIFICATION
PART IV — DEFINITIONS AND POWER TO AMEND
11. APPROPRIATE VERIFICATION
12. APPROPRIATE VERIFICATION
13. APPROPRIATE VERIFICATION
14. APPROPRIATE VERIFICATION

SCHEDULE 4 — EMPLOYMENT BUSINESSES: FAILURE TO CHECK

— *Offences*

1. EMPLOYMENT BUSINESSES: FAILURE TO CHECK
2. EMPLOYMENT BUSINESSES: FAILURE TO CHECK
— *Defences*
3. EMPLOYMENT BUSINESSES: FAILURE TO CHECK
— *Modified meaning of regulated activity*
4. EMPLOYMENT BUSINESSES: FAILURE TO CHECK
— *Power to amend paragraph 2(1)(c)*
5. EMPLOYMENT BUSINESSES: FAILURE TO CHECK
— *Offence: acting for P etc*
6. EMPLOYMENT BUSINESSES: FAILURE TO CHECK

SCHEDULE 5 — BARRING INFORMATION

1. This is the table referred to in Articles 32A and...
2. The Secretary of State may by order amend this Schedule...
3. (1) In entries 1 and 5 in the table the...
4. Parental responsibility has the same meaning as in the Children...
5. A regulated activity provider is an independent regulated activity provider...
6. An adult placement scheme is a scheme—

SCHEDULE 6 — TRANSITIONAL PROVISIONS

— *Advice by DBS*

1. (1) DBS must provide the Department of Health, Social Services...
— *Existing restrictions relating to children*
2. (1) This paragraph applies to a person who is—
— *Existing restrictions relating to vulnerable adults*
3. (1) This paragraph applies to a person who is included...
— *Existing restrictions: supplementary*
4. An order under paragraph 2 or 3 may—
—
- 5.

SCHEDULE 7 — AMENDMENTS

— *The Children (Northern Ireland) Order 1995(NI 2)*

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1. (1) In Article 109 (persons disqualified from being private foster...
— *The Education and Libraries (Northern Ireland) Order 1986 (NI 3)*
2. (1) In Article 70(2)(e) (regulations for prohibiting or restricting
employment...
— *The Police Act 1997 (c. 50)*
3. In section 126 after subsection (2) add—
— *The Data Protection Act 1998 (c. 29)*
4. (1) In section 56 (prohibition of requirement as to production...
— *The Health and Personal Social Services Act (Northern Ireland)
2001(c. 3)*
5. In section 5 after subsection (3) add—

SCHEDULE 8 — REPEALS

Explanatory Note

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