

STATUTORY INSTRUMENTS

2007 No. 1351

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

Education and Library Boards and ^{F1}HSC Bodies

Textual Amendments

- F1** 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)**

^{F2}The Education Authority] and ^{F3}HSC Bodies]: ^{F4}power] to refer **N.I.**

41.—(1) ^{F5}The Education Authority] and an ^{F6}HSC body][^{F7}may] provide ^{F8}DBS] with any ^{F9}... information it holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that ^{F10}the Education Authority or the][^{F11}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 ^{F12}the Education Authority or the][^{F13}HSC body] thinks—

- (a) that the person is ^{F14}or has been, or might in future be, engaged] in regulated activity ^{F15}..., and
- (b) (except in a case where paragraph 1 [^{F16}or 7] of Schedule 1 applies) that ^{F8}DBS] may consider it appropriate for the person to be included in a barred list.

(5) ^{F17}The Education Authority] or an ^{F18}HSC body] may provide ^{F8}DBS] with any ^{F19}... information it holds relating to a person if—

- (a) ^{F20}the Education Authority or the][^{F21}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.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Education and Library Boards and HSC Bodies is up to date with all changes known to be in force on or before 12 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

(6) For the purposes of paragraphs (2)(b) or (5)(a), conduct is inappropriate if it appears to ^{F22}the Education Authority or the ^{F23}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

- F2** 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)
- F3** 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)**
- F4** 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)
- F5** 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)
- F6** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F12** 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)
- F13** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F19** 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)

Changes to legislation: *The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Education and Library Boards and HSC Bodies is up to date with all changes known to be in force on or before 12 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*

- F20** 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)
- F21** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F22** 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)
- F23** 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

- I1** 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.**

[^{F24}The Education Authority] and [^{F25}HSC bodies]: duty to provide information on request **N.I.**

42.—(1) This Article applies if [^{F8}DBS] is considering—

- (a) whether to include any person in a barred list;
- (b) whether to remove any person from a barred list.

(2) If [^{F8}DBS] thinks that [^{F26}the Education Authority] or an [^{F27}HSC body] holds any prescribed information relating to the person, it may require [^{F28}the Authority or that] body to provide it with the information.

(3) [^{F29}The Education Authority or the] body must comply with a requirement under paragraph (2).

Textual Amendments

- F8** 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)
- F24** 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)
- F25** 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)**
- F26** 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)
- F27** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F28** 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)
- F29** 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

- I2** 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)**

Changes to legislation:

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Education and Library Boards and HSC Bodies is up to date with all changes known to be in force on or before 12 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.

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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\(4\)\(f\)](#)