

## STATUTORY INSTRUMENTS

### 2007 No. 1351

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

PROSPECTIVE

##### *Exceptions*

##### **Exception to requirement to make monitoring check**

**20.**—(1) Regulated activity falls within this Article if it is carried out for the purposes of or in connection with any of the following—

- (a) an establishment for the detention of persons in lawful custody (within the meaning of Article 3(7));
- (b) a recreational, social, sporting or educational activity provided wholly or mainly for vulnerable adults;
- (c) a course of education or instruction which is provided wholly or mainly for vulnerable adults and is of a prescribed description;
- (d) the provision of services, by or on behalf of a person who provides or manages housing, to vulnerable adults in connection with that housing;
- (e) welfare services of a prescribed description;
- (f) dealing with payments by a person appointed to receive them as mentioned in Article 3(10)(c).

(2) Activity does not fall within this Article if the individual engaging in the activity is a prison officer acting in the course of his duty.

(3) In paragraph (2) “prison officer” includes a prisoner custody officer within the meaning of section 122 of the Criminal Justice and Public Order Act 1994 (c. 33).

(4) Activity does not fall within this Article by virtue of paragraph (1)(b) if—

- (a) the activity is carried out by or for an [F<sup>1</sup>HSC body]
- (b) the activity is carried out by or in an establishment in relation to which a requirement to register arises under Article 12 of the 2003 Order;
- (c) the activity is carried out by an agency in relation to which such a requirement arises.

(5) In this Article “welfare services”—

- (a) includes services which provide support, assistance, advice or counselling to individuals with particular needs;
- (b) does not include [F<sup>2</sup>social care] provided by an [F<sup>1</sup>HSC body].

(6) Sub-paragraphs (b), (c), (d) and (e) of paragraph (1) cease to have effect on the relevant day.

(7) The relevant day is—

*Status: Point in time view as at 12/10/2009. This version of this part contains provisions that are prospective.*  
*Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Exceptions is up to date with all changes known to be in force on or before 23 July 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)*

- (a) the last day of the period of three years starting on the day any provision of this Article is brought into force, or
  - (b) such later day as the Secretary of State specifies by order.
- (8) A date specified under paragraph (7)(b) must be not more than three years after—
- (a) the relevant day as mentioned in paragraph (7)(a), or
  - (b) the last day specified in respect of the sub-paragraph concerned under paragraph (7)(b).
- (9) The Secretary of State may by order amend or omit any sub-paragraph of paragraph (1).

#### Textual Amendments

- F1** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/305\)](#), **art. 7(3)** (but this amendment cannot take effect until the commencement of [S.I. 2007/1351](#), art. 20)
- F2** 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** (but this amendment cannot take effect until the commencement of [S.I. 2007/1351](#), art. 20)

#### HSS employment

- 21.—(1)** A regulated activity provider falls within this Article if—
- (a) he permits a person (E) to engage in regulated activity,
  - (b) immediately before the permission takes effect E is engaged in relevant HSS employment,
  - (c) for the duration of the permission E continues to be engaged in that relevant HSS employment, and
  - (d) the regulated activity is also relevant HSS employment.
- (2) Relevant HSS employment is employment—
- (a) with an [<sup>F3</sup>HSC body]; or
  - (b) with a person who provides health care for an [<sup>F3</sup>HSC body] (wherever the health care is provided),  
in which the employee engages in regulated activity.

#### Textual Amendments

- F3** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/305\)](#), **art. 7(3)** (but this amendment cannot take effect until the commencement of [S.I. 2007/1351](#), art. 21)

**Status:**

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**Changes to legislation:**

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