

STATUTORY INSTRUMENTS

2007 No. 1351

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

Offences: supplementary

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

22.—(1) For the purposes of an offence under Article 13^{F1}...or 40^{F2}..., 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^{F3}...or 40^{F4}... 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

- F1** Words in art. 22(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection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\(aa\)\(v\)\(bb\)](#)
- F2** Words in art. 22(1) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection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\(aa\)\(v\)\(bb\)\(bb\)](#)
- F3** Words in art. 22(2) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection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\(aa\)\(v\)\(bb\)](#)
- F4** Words in art. 22(2) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection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

- I1** 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.](#)

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Offences: supplementary is up to date with all changes known to be in force on or before 05 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

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

23.—^{F5}(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.

^{F6}(3)

^{F6}(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.

^{F7}(6)

^{F7}(7)

(8) For the purpose of [^{F8}paragraph (2)(b)] , Schedule 2 is modified as follows—

- (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;

^{F9}(b)

^{F9}(c)

^{F10}(9)

Textual Amendments

- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)

Changes to legislation: *The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Offences: supplementary is up to date with all changes known to be in force on or before 05 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

I2 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.

^{FII}(2)

^{FII}(3)

^{FII}(4)

^{FII}(5)

^{FII}(6)

^{FII}(7)

Textual Amendments

F11 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

I3 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.](#)

Changes to legislation:

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Offences: supplementary is up to date with all changes known to be in force on or before 05 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\(4\)\(f\)](#)