

SCHEDULES

SCHEDULE 1

BARRED LISTS

Modifications etc. (not altering text)

- C1** Sch. 1 modified (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 10** (with art. 5)
- C1** Sch. 1 modified (13.3.2009) by Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009 (S.R. 2009/38), **art. 6**
- C1** Sch. 1 revocation of earlier affecting provision S.R. 2009/304, arts. 5, 10 (10.9.2012) by The Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order (Northern Ireland) 2012 (S.R. 2012/320), arts. 1, 4

PART I

CHILDREN'S BARRED LIST

Behaviour

- 3.—(1) This paragraph applies to a person if—
- (a) it appears to [F¹DBS] that the person [F²—
 - (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,], and
 - (b) [F¹DBS] proposes to include him in the children's barred list.
- (2) [F¹DBS] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F¹DBS] must include the person in the children's barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct,
 - [F³(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) it [F⁴is satisfied] that it is appropriate to include the person in the list.
- (4) This paragraph does not apply to a person if the relevant conduct consists only of an offence committed against a child before the commencement of Article 6 and the court, having considered whether to make a disqualification order, decided not to.
- (5) In sub-paragraph (4)—

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Cross Heading: Behaviour is up to date with all changes known to be in force on or before 17 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

- (a) the reference to an offence committed against a child must be construed in accordance with Chapter II of Part II of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
- (b) a disqualification order is an order under Article 23 or 24 of that Order.

Textual Amendments

- F1** Word in Sch. 1 paras. 2-5 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), **6(f)(i)** (with Pt. 4)
- F2** Words in Sch. 1 para. 3(1)(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. 4(3)(a)**; [S.I. 2012/2234](#), art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))
- F3** Sch. 1 para. 3(3)(aa) 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. 4(3)(b)**; [S.I. 2012/2234](#), art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))
- F4** Words in Sch. 1 para. 3(3)(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. 4(3)(c)**; [S.I. 2012/2234](#), art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by [S.I. 2014/831](#), art. 2(2))

Modifications etc. (not altering text)

- C1** Sch. 1 para. 3(4) modified (12.10.2009) by [Safeguarding Vulnerable Groups \(Regulated Activity, Transitional Provisions and Commencement No. 4\) Order \(Northern Ireland\) 2009 \(S.R. 2009/304\)](#), **art. 22(1)**

Commencement Information

- I1** Sch. 1 para. 3 wholly in operation; Sch. 1 para. 3 not in operation at date of making see art. 1(3); Sch. 1 para. 3 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 3 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

- 4.—(1) For the purposes of paragraph 3 relevant conduct is—
- (a) conduct which endangers a child or is likely to endanger a child;
 - (b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;
 - (c) conduct involving sexual material relating to children (including possession of such material);
 - (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to [F1DBS] that the conduct is inappropriate;
 - (e) conduct of a sexual nature involving a child, if it appears to [F1DBS] that the conduct is inappropriate.
- (2) A person's conduct endangers a child if he—
- (a) harms a child,
 - (b) causes a child to be harmed,
 - (c) puts a child at risk of harm,
 - (d) attempts to harm a child, or

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- (e) incites another to harm a child.
- (3) “Sexual material relating to children” means—
 - (a) indecent images of children, or
 - (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.
- (4) “Image” means an image produced by any means, whether of a real or imaginary subject.
- (5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.
- (6) For the purposes of sub-paragraph (1)(d) and (e), [F1DBS] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F1 Word in Sch. 1 paras. 2-5 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), **6(f)(i)** (with Pt. 4)

Commencement Information

I2 Sch. 1 para. 4 wholly in operation; Sch. 1 para. 4 not in operation at date of making see art. 1(3); Sch. 1 para. 4 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 4(1)-(4) and (6) in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**; Sch. 1 para. 4(5) in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

Changes to legislation:

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