

Status: Point in time view as at 14/03/2008. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Cross Heading: Prescribed criteria is up to date with all changes known to be in force on or before 10 May 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)

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**

PART III

SUPPLEMENTARY

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. III modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\)](#), **art. 3(5)**
- C1** Sch. 1 Pt. III modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\)](#), **art. 5(5)**

Prescribed criteria

- 24.**—(1) The criteria which may be prescribed for the purposes of paragraphs 1, 2, 7 and 8 are—
- (a) that a person has been convicted of, or cautioned in relation to, an offence of a specified description;
 - (b) that an order of a specified description requiring the person to do or not to do anything has been made against him;
 - (c) that a person is included in a specified list maintained for the purposes of a country or territory outside the United Kingdom;
 - (d) that an order or direction of a specified description requiring the person to do or not to do anything has been made against him for the purposes of a country or territory outside the United Kingdom.
- (2) The power to specify offences for the purposes of sub-paragraph (1) includes power to specify offences under—
- (a) the law of England and Wales, Scotland, the Channel Islands or the Isle of Man;
 - (b) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);

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- (c) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);
- (d) section 42 of the Naval Discipline Act 1957 (c. 53);
- (e) section 42 of the Armed Forces Act 2006 (c. 52).

(3) The Secretary of State may specify a list for the purposes of sub-paragraph (1)(c) only if he thinks that inclusion in the list has a corresponding or similar effect to inclusion in a barred list.

(4) For the purposes of determining whether any of the criteria is satisfied in relation to a person, ignore—

- (a) any offence committed before he attained the age of 18;
- (b) any order or direction made before that time.

(5) The criteria which may be prescribed for the purposes of paragraph 1 or 2 must not consist only of circumstances in which the person has committed an offence against a child before the commencement of Article 6 if the court, having considered whether to make a disqualification order, decided not to.

(6) In sub-paragraph (5)—

- (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 (NI 4);
- (b) a disqualification order is an order under Article 23 or 24 of that Order.

(7) For the purposes of sub-paragraph (4) an offence committed over a period of time must be treated as committed on the last day of the period.

(8) For the purpose of considering whether the criteria apply to an individual, the Secretary of State must, from time to time, examine records of convictions or cautions held for the use of police forces generally.

(9) Sub-paragraph (8) does not apply to records of convictions made, or cautions given, before such date as is prescribed.

Commencement Information

- II** Sch. 1 para. 24 partly in operation; Sch. 1 para. 24 not in operation at date of making see art. 1(3); Sch. 1 para. 24(1)(2)(9) in operation at 14.3.2008 by S.R. 2008/127, art. 3(f); Sch. 1 para. 24 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 24(3)-(7) in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

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25. A court by or before which a person is convicted of an offence of a description specified for the purposes of paragraph 24(1)(a), or which makes an order of a description specified for the purposes of paragraph 24(1)(b), must inform the person at the time he is convicted or the order is made that IBB will include him in the barred list concerned.

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Commencement Information

- I2** Sch. 1 para. 25 wholly in operation; Sch. 1 para. 25 not in operation at date of making see art. 1(3); Sch. 1 para. 25 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 25 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

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