

SCHEDULES

SCHEDULE 1

Article 6

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)
- C2** Sch. 1 modified (13.3.2009) by Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009 (S.R. 2009/38), **art. 6**

PART I

CHILDREN'S BARRED LIST

Automatic inclusion

1.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

(2) If it appears to the Secretary of State that this paragraph applies to a person the Secretary of State must refer the matter to IBB.

(3) On the reference being made, IBB must include the person in the children's barred list.

Commencement Information

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

Inclusion subject to consideration of representations

2.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

(2) If it appears to the Secretary of State that this paragraph applies to a person the Secretary of State must refer the matter to [F1ISA].

(3) On the reference being made, [F1ISA] must—

- (a) include the person in the children's barred list;

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

- (b) give the person the opportunity to make representations as to why he should be removed from the children's barred list.
- (4) If it appears to [F1ISA] that it is not appropriate for the person to be included in the list, it must remove him from the list.

Textual Amendments

- F1** Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(ii)**, 116(5)(a)

Commencement Information

- I2** [Sch. 1 para. 2](#) wholly in operation; [Sch. 1 para. 2](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 1 para. 2\(1\)](#) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(e)**; [Sch. 1 para. 2](#) in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; [Sch. 1 para. 2](#) in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

Behaviour

- 3.—(1) This paragraph applies to a person if—
- it appears to [F2ISA] that the person has (at any time) engaged in relevant conduct, and
 - [F2ISA] proposes to include him in the children's barred list.
- (2) [F2ISA] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F2ISA] must include the person in the children's barred list if—
- it is satisfied that the person has engaged in relevant conduct, and
 - it appears to [F2ISA] 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)—
- 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;
 - a disqualification order is an order under Article 23 or 24 of that Order.

Textual Amendments

- F2** Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(ii)**, 116(5)(a)

Modifications etc. (not altering text)

- C3** [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)**

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Commencement Information

I3 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 [F³ISA] that the conduct is inappropriate;
 - (e) conduct of a sexual nature involving a child, if it appears to [F³ISA] 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
 - (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), [F³ISA] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F3 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I4 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.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Risk of harm

- 5.—(1) This paragraph applies to a person if—
- (a) it appears to [F⁴ISA] that the person falls within sub-paragraph (4), and
 - (b) [F⁴ISA] proposes to include him in the children's barred list.
- (2) [F⁴ISA] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F⁴ISA] must include the person in the children's barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4), and
 - (b) it appears to [F⁴ISA] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
- (a) harm a child,
 - (b) cause a child to be harmed,
 - (c) put a child at risk of harm,
 - (d) attempt to harm a child, or
 - (e) incite another to harm a child.

Textual Amendments

F4 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(ii)**, [116\(5\)\(a\)](#)

Commencement Information

I5 [Sch. 1 para. 5](#) wholly in operation; [Sch. 1 para. 5](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 1 para. 5](#) in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; [Sch. 1 para. 5](#) in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

Restriction on inclusion

- 6.—(1) [F⁵ISA] must not include a person in the children's barred list—
- (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
 - (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of [F⁵ISA].
- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

Textual Amendments

F5 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(ii)**, [116\(5\)\(a\)](#)

Status: Point in time view as at 12/11/2009.

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Commencement Information

- I6** Sch. 1 para. 6 wholly in operation; Sch. 1 para. 6 not in operation at date of making see art. 1(3); Sch. 1 para. 6 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 6(1)(b)(2) (3) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 5(n); Sch. 1 para. 6 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, art. 3, Sch.

PART II

ADULTS' BARRED LIST

Automatic inclusion

7.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

(2) If it appears to the Secretary of State that this paragraph applies to a person the Secretary of State must refer the matter to IBB.

(3) On the reference being made, IBB must include the person in the adults' barred list.

Commencement Information

- I7** Sch. 1 para. 7 wholly in operation; Sch. 1 para. 7 not in operation at date of making see art. 1(3); Sch. 1 para. 7(1) in operation for certain purposes at 14.3.2008 by S.R. 2008/127, art. 3(e); Sch. 1 para. 7 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 7 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

Inclusion subject to consideration of representations

8.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

(2) If it appears to the Secretary of State that this paragraph applies to a person the Secretary of State must refer the matter to [F⁶ISA].

(3) On the reference being made, [F⁶ISA] must—

- (a) include the person in the adults' barred list;
- (b) give the person the opportunity to make representations as to why he should be removed from the adults' barred list.

(4) If it appears to [F⁶ISA] that it is not appropriate for the person to be included in the list, it must remove him from the list.

Textual Amendments

- F6** Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

- I8** Sch. 1 para. 8 wholly in operation; Sch. 1 para. 8 not in operation at date of making see art. 1(3); Sch. 1 para. 8(1) in operation for certain purposes at 14.3.2008 by S.R. 2008/127, art. 3(e); Sch. 1 para. 8 in

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operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 8 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

Behaviour

- 9.**—(1) This paragraph applies to a person if—
- (a) it appears to [F7ISA] that the person has (at any time) engaged in relevant conduct, and
 - (b) [F7ISA] proposes to include him in the adults' barred list.
- (2) [F7ISA] must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) [F7ISA] must include the person in the adults' barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct, and
 - (b) it appears to [F7ISA] that it is appropriate to include the person in the list.

Textual Amendments

F7 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), **ss. 81(2)(3)(o)(ii), 116(5)(a)**

Commencement Information

I9 Sch. 1 para. 9 wholly in operation; Sch. 1 para. 9 not in operation at date of making see art. 1(3); Sch. 1 para. 9 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 9 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

- 10.**—(1) For the purposes of paragraph 9 relevant conduct is—
- (a) conduct which endangers a vulnerable adult or is likely to endanger a vulnerable adult;
 - (b) conduct which, if repeated against or in relation to a vulnerable adult, would endanger that adult 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 [F8ISA] that the conduct is inappropriate;
 - (e) conduct of a sexual nature involving a vulnerable adult, if it appears to [F8ISA] that the conduct is inappropriate.
- (2) A person's conduct endangers a vulnerable adult if he—
- (a) harms a vulnerable adult,
 - (b) causes a vulnerable adult to be harmed,
 - (c) puts a vulnerable adult at risk of harm,
 - (d) attempts to harm a vulnerable adult, or
 - (e) incites another to harm a vulnerable adult.
- (3) “Sexual material relating to children” means—
- (a) indecent images of children, or

Status: Point in time view as at 12/11/2009.

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- (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), [F⁸ISA] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F8 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I10 Sch. 1 para. 10 wholly in operation; Sch. 1 para. 10 not in operation at date of making see art. 1(3); Sch. 1 para. 10 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 10(1)-(4) and (6) in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i); Sch. 1 para. 10(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.

Risk of harm

- 11.—**(1) This paragraph applies to a person if—
- (a) it appears to [F⁹ISA] that the person falls within sub-paragraph (4), and
 - (b) [F⁹ISA] proposes to include him in the adults' barred list.
- (2) [F⁹ISA] must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) [F⁹ISA] must include the person in the adults' barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4), and
 - (b) it appears to [F⁹ISA] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
- (a) harm a vulnerable adult,
 - (b) cause a vulnerable adult to be harmed,
 - (c) put a vulnerable adult at risk of harm,
 - (d) attempt to harm a vulnerable adult, or
 - (e) incite another to harm a vulnerable adult.

Textual Amendments

F9 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I11 Sch. 1 para. 11 wholly in operation; Sch. 1 para. 11 not in operation at date of making see art. 1(3); Sch. 1 para. 11 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 11 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Restriction on inclusion

- 12.—**(1) [F10ISA] must not include a person in the adults' barred list—
- (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
 - (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of [F10ISA].
- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Textual Amendments

- F10** Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(o\)\(ii\), 116\(5\)\(a\)](#)

Commencement Information

- I12** [Sch. 1 para. 12](#) wholly in operation; [Sch. 1 para. 12](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 1 para. 12](#) in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); [Sch. 1 para. 12\(1\)\(b\)\(2\)\(3\)](#) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 5\(n\)](#); [Sch. 1 para. 12](#) in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346, art. 3, Sch.](#)

PART III

SUPPLEMENTARY

Modifications etc. (not altering text)

- C4** [Sch. 1 Pt. III](#) modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\), art. 3\(5\)](#)
- C5** [Sch. 1 Pt. III](#) modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\), art. 5\(5\)](#)

Procedure

13.—(1) [F11ISA] must ensure that in respect of any information it receives in relation to an individual from whatever source or of whatever nature it considers whether the information is relevant to its consideration as to whether the individual should be included in each barred list.

(2) Sub-paragraph (1) does not, without more, require [F11ISA] to give an individual the opportunity to make representations as to why he should not be included in a barred list.

Textual Amendments

- F11** Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\), ss. 81\(2\)\(3\)\(o\)\(ii\), 116\(5\)\(a\)](#)

Status: Point in time view as at 12/11/2009.

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Commencement Information

I13 Sch. 1 para. 13 wholly in operation; Sch. 1 para. 13 not in operation at date of making see art. 1(3); Sch. 1 para. 13 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 13 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, art. 3, Sch.

14. When an individual is included in a barred list [F12ISA] must take all reasonable steps to notify the individual of that fact.

Textual Amendments

F12 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I14 Sch. 1 para. 14 wholly in operation; Sch. 1 para. 14 not in operation at date of making see art. 1(3); Sch. 1 para. 14 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 14 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

15.—(1) The Secretary of State may, by regulations, make provision as to the procedure to be followed for the purposes of any decision [F13ISA] is required or authorised to take under this Schedule.

(2) Such provision may include provision as to the time within which anything is to be done.

Textual Amendments

F13 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I15 Sch. 1 para. 15 wholly in operation; Sch. 1 para. 15 not in operation at date of making see art. 1(3); Sch. 1 para. 15(1)(2) in operation at 14.3.2008 by S.R. 2008/127, art. 3(f); Sch. 1 para. 15 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 15 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

Representations

16.—(1) A person who is, by virtue of any provision of this Schedule, given an opportunity to make representations must have the opportunity to make representations in relation to all of the information on which [F14ISA] intends to rely in taking a decision under this Schedule.

(2) Any requirement of this Schedule to give a person an opportunity to make representations does not apply if [F14ISA] does not know and cannot reasonably ascertain the whereabouts of the person.

(3) The opportunity to make representations does not include the opportunity to make representations that findings of fact made by a competent body were wrongly made.

(4) Findings of fact made by a competent body are findings of fact made in proceedings before one of the following bodies or any of its committees—

(a) the General Teaching Council for Northern Ireland

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- (b) the Council of the Pharmaceutical Society of Northern Ireland;
- (c) the General Medical Council;
- (d) the General Dental Council;
- (e) the General Optical Council;
- (f) the General Osteopathic Council;
- (g) the General Chiropractic Council;
- (h) the Nursing and Midwifery Council;
- (i) the Health Professions Council;
- (j) the Northern Ireland Social Care Council.

(5) The Secretary of State may by order amend sub-paragraph (4) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the sub-paragraph.

Textual Amendments

F14 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 81\(2\)\(3\)\(o\)\(ii\)](#), [116\(5\)\(a\)](#)

Commencement Information

I16 [Sch. 1 para. 16](#) wholly in operation; [Sch. 1 para. 16](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 1 para. 16](#) in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(a\)](#); [Sch. 1 para. 16\(5\)](#) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), [art. 5\(n\)](#); [Sch. 1 para. 16](#) in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(i\)](#)

17.—(1) This paragraph applies to a person who is included in a barred list (except a person included in pursuance of paragraph 1 or 7) if, before he was included in the list, [^{F15}ISA] was unable to ascertain his whereabouts.

(2) This paragraph also applies to such a person if—

- (a) he did not, before the end of any time prescribed for the purpose, make representations as to why he should not be included in the list, and
- (b) [^{F15}ISA] grants him permission to make such representations out of time.

(3) If a person to whom this paragraph applies makes such representations after the prescribed time—

- (a) [^{F15}ISA] must consider the representations, and
- (b) if it thinks that it is not appropriate for the person to be included in the list concerned, it must remove him from the list.

(4) For the purposes of this paragraph, it is immaterial that any representations mentioned in sub-paragraph (3) relate to a time after the person was included in the list concerned.

Textual Amendments

F15 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 81\(2\)\(3\)\(o\)\(ii\)](#), [116\(5\)\(a\)](#)

Status: Point in time view as at 12/11/2009.

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Commencement Information

I17 Sch. 1 para. 17 wholly in operation; Sch. 1 para. 17 not in operation at date of making see art. 1(3); Sch. 1 para. 17 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 17 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

Review

18.—(1) A person who is included in a barred list may apply to [F16ISA] for a review of his inclusion.

(2) An application for a review may be made only with the permission of [F16ISA].

(3) A person may apply for permission only if—

- (a) the application is made after the end of the minimum barred period, and
- (b) in the prescribed period ending with the time when he applies for permission, he has made no other such application.

(4) [F16ISA] must not grant permission unless it thinks—

- (a) that the person's circumstances have changed since he was included in the list or since he last applied for permission (as the case may be), and
- (b) that the change is such that permission should be granted.

(5) On a review of a person's inclusion, if [F16ISA] is satisfied that it is no longer appropriate for him to be included in the list it must remove him from it; otherwise it must dismiss the application.

(6) The minimum barred period is the prescribed period beginning with such of the following as may be prescribed—

- (a) the date on which the person was first included in the list;
- (b) the date on which any criterion prescribed for the purposes of paragraph 1, 2, 7 or 8 is first satisfied;
- (c) where the person is included in the list on the grounds that he has been convicted of an offence in respect of which a sentence of imprisonment or detention was imposed, the date of his release;
- (d) the date on which the person made any representations as to why he should not be included in the list.

Textual Amendments

F16 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I18 Sch. 1 para. 18 wholly in operation; Sch. 1 para. 18 not in operation at date of making see art. 1(3); Sch. 1 para. 18(3)(b)(6) in operation at 14.3.2008 by S.R. 2008/127, art. 3(f); Sch. 1 para. 18 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 18 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

Information

19.—(1) [F17ISA] may require—

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

- (a) any person who holds records of convictions or cautions for the use of police forces generally to provide to it any relevant information relating to a person to whom any of paragraphs 1 to 5 or 7 to 11 applies;
 - (b) any person who holds such records to provide to it prescribed details of relevant matter (within the meaning of section 113A of the Police Act 1997 (c. 50)) relating to a person to whom any of those paragraphs apply;
 - (c) the chief officer of a relevant police force to provide to it any such relevant information;
 - (d) any person who holds information prescribed for the purposes of Article 28(8)(c) to provide to it any such information relating to a person to whom any of paragraphs 1 to 5 or 7 to 11 applies.
- (2) For the purposes of sub-paragraph (1)(a), relevant information relating to a person is information which the person holding the records thinks might be relevant in relation to the regulated activity concerned.
- (3) For the purposes of sub-paragraph (1)(c), relevant information relating to a person is information which the chief officer thinks might be relevant in relation to the regulated activity concerned.
- (4) [F17ISA] must pay to the appropriate police authority such fee as the Secretary of State thinks appropriate for information provided to [F17ISA] in accordance with sub-paragraph (1)(c).
- (5) For the purpose of deciding under this Schedule whether or not a person is included in a barred list [F17ISA] must not take account of relevant police information if the chief officer of the relevant police force thinks that it would not be in the interests of the prevention or detection of crime to disclose the information to the person.
- (6) In sub-paragraph (5) relevant police information is information which falls within sub-paragraph (3), whether it is obtained by [F17ISA] in pursuance of subparagraph (1)(c) or paragraph 20(2).
- (7) In this paragraph—
- “caution” has the same meaning as in section 126 of the Police Act 1997 (c. 50);
 - “relevant police force” must be construed in accordance with subsection (9) of section 113B of that Act as if the person had made an application for the purposes of that section.
- (8) If [F17ISA] so requests, the Secretary of State must inform [F17ISA] which police forces are relevant police forces in relation to a person.

Textual Amendments

F17 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I19 Sch. 1 para. 19 wholly in operation; Sch. 1 para. 19 not in operation at date of making see art. 1(3); Sch. 1 para. 19 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 19(1)(b) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(v); Sch. 1 para. 19 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

20.—(1) The Department of Health, Social Services and Public Safety may provide to [F18ISA] any information relating to a person which is held by that Department in connection with its functions under Part II or III of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

(2) The Department of Education may provide to [F18ISA] any information relating to a person which is held by that Department in connection with its functions under Articles 70(2)(e)(iii) and 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).

(3) The Secretary of State must provide to [F18ISA] any information relating to a person which is held by him in connection with his functions under this Order (except information he holds relating to an offence prescribed for the purposes of paragraph 4(5) or 10(5) of this Schedule).

Textual Amendments

F18 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I20 Sch. 1 para. 20 wholly in operation; Sch. 1 para. 20 not in operation at date of making see art. 1(3); Sch. 1 para. 20 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 20 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

21. [F19ISA] must provide the Secretary of State with the prescribed information relating to a person if—

- (a) it includes that person in a barred list;
- (b) it is considering whether to include him in a barred list;
- (c) it thinks that any of the criteria prescribed for the purposes of paragraph 1, 2, 7 or 8 is satisfied in relation to him and that the Secretary of State does not already have the information.

Textual Amendments

F19 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I21 Sch. 1 para. 21 partly in operation; Sch. 1 para. 21 not in operation at date of making see art. 1(3); Sch. 1 para. 21 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 21 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(v); Sch. 1 para. 21(a) in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, art. 3, Sch.

22. The Secretary of State must inform the Scottish Ministers if a person is included in a barred list.

Commencement Information

I22 Sch. 1 para. 22 wholly in operation; Sch. 1 para. 22 not in operation at date of making see art. 1(3); Sch. 1 para. 22 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 22 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

23. [F20ISA] may—

- (a) at the request of the Secretary of State provide him with such information relating to the exercise of its functions as [F20ISA] thinks may be relevant to the exercise by the Secretary of State of any of his functions;

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

- (b) at the request of a Northern Ireland department provide it with such information relating to the exercise of [^{F21}ISA's] functions as [^{F20}ISA] thinks may be relevant to the exercise by that Department of any of its functions.

Textual Amendments

F20 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

F21 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(ii), 116(5)(a)

Commencement Information

I23 Sch. 1 para. 23 wholly in operation; Sch. 1 para. 23 not in operation at date of making see art. 1(3); Sch. 1 para. 23 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(a); Sch. 1 para. 23 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(i)

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—
- [^{F22}(a) the law of a country or territory outside Northern Ireland;]
 - (b) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);
 - (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)—

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

(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.

[^{F23}(10) For the purposes of sub-paragraph (2)(a) in its application to an offence committed outside the British Islands the Secretary of State must not specify the offence unless—

(a) the conduct which constitutes the offence would, if carried out in Northern Ireland, amount to an offence under the law of Northern Ireland (the equivalent offence), and

(b) the equivalent offence is also specified for the purposes of paragraph 1, 2, 7 or 8 (as the case may be).]

Textual Amendments

F22 Sch. 1 para. 24(2)(a) substituted (27.2.2009) by Safeguarding Vulnerable Groups (Prescribed Criteria) (Foreign Offences) Order (Northern Ireland) 2009 (S.R. 2009/21), **art. 3(2)**

F23 Sch. 1 para. 24(10) inserted (27.2.2009) by Safeguarding Vulnerable Groups (Prescribed Criteria) (Foreign Offences) Order (Northern Ireland) 2009 (S.R. 2009/21), **art. 3(3)**

Commencement Information

I24 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)**

25.—[^{F24}(1)] 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 [^{F25}ISA] will include him in the barred list concerned.

[^{F26}(2) This paragraph does not apply to convictions by or before a court in a country or territory outside Northern Ireland.]

Textual Amendments

F24 Sch. 1 para. 25 renumbered (27.2.2009) as sub-para. (1) by Safeguarding Vulnerable Groups (Prescribed Criteria) (Foreign Offences) Order (Northern Ireland) 2009 (S.R. 2009/21), **art. 4(2)**

F25 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), **ss. 81(2)(3)(o)(ii), 116(5)(a)**

F26 Sch. 1 para. 25(2) inserted (27.2.2009) by Safeguarding Vulnerable Groups (Prescribed Criteria) (Foreign Offences) Order (Northern Ireland) 2009 (S.R. 2009/21), **art. 4(3)**

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Commencement Information

I25 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)

SCHEDULE 2

Article 9

REGULATED ACTIVITY

PART I

REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

- 1.—(1) An activity is a regulated activity relating to children if—
 - (a) it is mentioned in paragraph 2(1), and
 - (b) it is carried out frequently by the same person or the period condition is satisfied.
- (2) An activity is a regulated activity relating to children if—
 - (a) it is carried out frequently by the same person or the period condition is satisfied,
 - (b) it is carried out in an establishment mentioned in paragraph 3(1),
 - (c) it is carried out by a person while engaging in any form of work (whether or not for gain),
 - (d) it is carried out for or in connection with the purposes of the establishment, and
 - (e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.
- (3) Each of the following is a regulated activity relating to children—
 - (a) acting as a child minder on domestic premises;
 - (b) providing day care.
- (4) Any expression used both in sub-paragraph (3) and in Part XI of the Children Order has the meaning given by that Order.
- (5) It is a regulated activity relating to children to foster a child (as mentioned in Article 55).
- (6) The exercise of a function of a guardian ad litem appointed under Article 60 of the Children Order is a regulated activity relating to children.
- (7) The exercise of a function of a person mentioned in paragraph 4(1) is a regulated activity relating to children.
- (8) The exercise of a function of any of the following so far as it relates to the inspection of an establishment mentioned in paragraph 3(1) is a regulated activity relating to children—
 - (a) an inspector appointed under Article 102 of the Education and Libraries (Northern Ireland) Order 1986;
 - (b) the Chief Inspector of Criminal Justice in Northern Ireland;
 - (c) the Regulation and Improvement Authority.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

(9) The exercise of a function of the Regulation and Improvement Authority so far as it relates to the inspection of an establishment, agency or body falling within sub-paragraph (10) is a regulated activity relating to children.

(10) An establishment, agency or body falls within this sub-paragraph if it is—

- (a) an establishment in relation to which a requirement to register arises under Article 12 of the 2003 Order,
- (b) an agency in relation to which such a requirement arises, or
- (c) an [^{F27}HSC body],

and it provides any form of treatment or therapy for children.

(11) In sub-paragraph (10)(c) the reference to an [^{F27}HSC body] includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

(12) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), (6), (8) or (9) is a regulated activity relating to children.

Textual Amendments

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)**

Commencement Information

I26 [Sch. 2 para. 1](#) wholly in operation; [Sch. 2 para. 1](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 2 para. 1](#) in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(c)**; [Sch. 2](#) in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(b)**

Activities

2.—(1) The activities referred to in paragraph 1(1) are—

- (a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;
- (b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;
- (c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;
- (d) any form of treatment or therapy provided for a child;
- (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
- (f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.

(2) Sub-paragraph (1)(a), (b), (c) and (d) do not include—

- (a) teaching, training or instruction provided to a child in the course of his employment;
- (b) care for or supervision of a child in the course of his employment;

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

- (c) advice or guidance provided for a child in the course of his employment;
 - (d) treatment or therapy provided for a child in the course of his employment.
- (3) Sub-paragraph (2) does not apply if—
- (a) the child has not attained the age of 16, and
 - (b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- (4) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to—
- (a) monitoring the content of matter which forms any part of the service,
 - (b) removing matter from, or preventing the addition of matter to, the service, or
 - (c) controlling access to, or use of, the service.
- (5) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has—
- (a) access to the content of the matter;
 - (b) contact with users of the service.
- (6) In sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so.

Commencement Information

I27 Sch. 2 para. 2 wholly in operation; Sch. 2 para. 2 not in operation at date of making see art. 1(3); Sch. 2 para. 2 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(c); Sch. 2 para. 2(1)(f) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(w); Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(b)

Establishments

- 3.—(1) The establishments referred to in paragraph 1(2) and (8) are—
- (a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
 - (b) a nursery school within the meaning of the Education and Libraries (Northern Ireland) Order 1986 (NI 3);
 - (c) a hospital which is exclusively or mainly for the reception and treatment of children;
 - (d) an institution which is exclusively or mainly for the detention of children;
 - (e) a children's home (within the meaning of Article 9 of the 2003 Order);
 - (f) relevant childcare premises.
- (2) Relevant childcare premises are any part of premises on which a person acts as child minder or provides day care in respect of which he must be registered under Article 118 of the Children Order.
- [^{F28}(3) But premises on which a person acts as child minder or provides day care are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the day care or child minding is provided.
- (4) For the purposes of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

(5) “Parental responsibility” has the same meaning as in the Children Order.]

Textual Amendments

F28 Sch. 2 para. 3(3)-(5) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 23(2)**

Commencement Information

I28 Sch. 2 para. 3 wholly in operation; Sch. 2 para. 3 not in operation at date of making see art. 1(3); Sch. 2 para. 3 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(c)**; Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(b)**

Positions

4.—(1) The persons referred to in paragraph 1(7) are—

- (a) member of [^{F29}or secretary to] the governing body of an educational establishment mentioned in Article 12(5);
 - [^{F30}(aa) person co-opted by the voting members of a Board of Governors of a grant-aided school under Articles 122 and 139 of the Education Reform (Northern Ireland) Order 1989 (NI 20) to be a member of the Board of Governors of the school;]
 - (b) member of an [^{F31}HSC body];
 - [^{F32}(bb) chief executive officer of a HSC body;]
 - (c) director of [^{F33}social care] of a Health and [^{F34}Social Care] Board ;
 - (d) director of a [^{F35}Health and Social Care trust] responsible for the delivery of [^{F33}social care];
 - (e) member of an education and library board;
 - (f) chief education officer of an education and library board;
 - (g) charity trustee of a children's charity;
 - (h) Commissioner for Children and Young People for Northern Ireland;
 - (i) a controller appointed in respect of a child under Article 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4);
 - (j) member, chief executive or member of staff of [^{F36}ISA].
 - [^{F37}(k) an individual carrying on or managing a regulated establishment or agency which provides care, accommodation or services wholly or mainly for or in relation to children.]
- [^{F38}(1A) For the purposes of sub-paragraph (1)(a), a person is a secretary to the governing body of an educational establishment mentioned in Article 12(5) if—
- (a) the person is appointed in accordance with a scheme of management as mentioned in Article 9A or 9B of the Education and Libraries (Northern Ireland) Order 1986 (NI 3) as a secretary to the governing body of a grant-aided school, or
 - (b) the person is appointed in relation to the governing body of any other educational establishment mentioned in Article 12(5) and has functions similar to those of a person falling within paragraph (a).

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

(1B) For the purposes of sub-paragraph (1)(k) an establishment or agency is a regulated establishment or agency if the person carrying it on or managing it is required to be registered in respect of it under Article 12 of the 2003 Order.]

(2) A charity is a children's charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity relating to children.

(3) An individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this sub-paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.

Textual Amendments

- F29** Words in Sch. 2 para. 4(1)(a) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 24(2)**
- F30** Sch. 2 para. 4(1)(aa) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 24(3)**
- F31** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F32** Sch. 2 para. 4(1)(bb) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 24(4)**
- F33** 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**
- F34** Words in Order substituted (1.4.2009) by virtue of 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**
- F35** 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)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F36** Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), **ss. 81(2)(3)(o)(iii)**, 116(5)(a)
- F37** Sch. 2 para. 4(1)(k) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 24(5)**
- F38** Sch. 2 para. 4(1A)(1B) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 24(6)**

Commencement Information

- I29** Sch. 2 para. 4 wholly in operation; Sch. 2 para. 4 not in operation at date of making see art. 1(3); Sch. 2 para. 4 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(c)**; Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(b)**

5. A person who is part of a group in relation to which another (P) engages in regulated activity relating to children does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this paragraph, would amount to engaging in regulated activity relating to children.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Commencement Information

I30 Sch. 2 para. 5 wholly in operation; Sch. 2 para. 5 not in operation at date of making see art. 1(3); Sch. 2 para. 5 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(c); Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(b)

Exceptions

6. The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to children is not to be treated as a regulated activity.

Commencement Information

I31 Sch. 2 para. 6 wholly in operation; Sch. 2 para. 6 not in operation at date of making see art. 1(3); Sch. 2 para. 6 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(c); Sch. 2 para. 6 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 5(o); Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(b)

PART II

REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

7.—(1) Each of the following is a regulated activity relating to vulnerable adults if it is carried out frequently by the same person or the period condition is satisfied—

- (a) any form of training, teaching or instruction provided wholly or mainly for vulnerable adults;
- (b) any form of care for or supervision of vulnerable adults;
- (c) any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults;
- (d) any form of treatment or therapy provided for a vulnerable adult;
- (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by vulnerable adults;
- (f) driving a vehicle which is being used only for the purpose of conveying vulnerable adults and any person caring for the vulnerable adults pursuant to arrangements made in prescribed circumstances;
- (g) anything done on behalf of a vulnerable adult in such circumstances as are prescribed.

(2) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting vulnerable adults, he has any function relating to—

- (a) monitoring the content of matter which forms any part of the service,
- (b) removing matter from, or preventing the addition of matter to, the service, or
- (c) controlling access to, or use of, the service.

(3) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (2)(b) or (c) unless he has—

- (a) access to the content of the matter;

Status: Point in time view as at 12/11/2009.

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(b) contact with users of the service.

(4) An activity carried out in a residential care home or nursing home (for the purposes of the 2003 Order) which is exclusively or mainly for vulnerable adults is a regulated activity relating to vulnerable adults if—

- (a) it is carried out at the establishment frequently by the same person or the period condition is satisfied,
- (b) it is carried out by a person while engaging in any form of work (whether or not for gain),
- (c) it is carried out for or in connection with the purposes of the establishment, and
- (d) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with vulnerable adults.

(5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1) or (4) is a regulated activity relating to vulnerable adults.

(6) The exercise of the inspection functions of the Regulation and Improvement Authority is a regulated activity relating to vulnerable adults.

(7) Inspection functions are functions relating to the inspection of—

- (a) an [F39HSC body],
- (b) an establishment in relation to which a requirement to register arises under Article 12 of the 2003 Order, or
- (c) an agency in relation to which such a requirement arises,

in so far as the inspection relates to [F40 social care], care, treatment or therapy provided for vulnerable adults by the body, establishment or agency.

(8) In sub-paragraph (7)(a) the reference to an [F39HSC body] includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

(9) The exercise of a function of a person mentioned in paragraph 8(1) is a regulated activity relating to vulnerable adults.

(10) A person who is part of a group in relation to which another (P) engages in regulated activity relating to vulnerable adults does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this sub-paragraph, would amount to engaging in regulated activity relating to vulnerable adults.

Textual Amendments

F39 Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/305\)](#), [art. 7\(3\)](#)

F40 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](#)

Commencement Information

I32 [Sch. 2 para. 7](#) wholly in operation; [Sch. 2 para. 7](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 2 para. 7](#) in operation for certain purposes at 14.4.2008 by S.R. 2008/127, [art. 4\(c\)](#); [Sch. 2 para. 7\(1\)\(f\)](#) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, [art. 4\(w\)](#); [Sch. 2](#) in operation at 13.3.2009 by S.R. 2009/41, [art. 3\(1\)\(b\)](#)

8.—(1) The persons referred to in paragraph 7(9) are—

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

- (a) member of an [^{F41}HSC body];
- [^{F42}(aa) chief executive officer of a HSC body;]
- (b) director of [^{F43}social care] of a Health and [^{F44}Social Care] Board ;
- (c) director of a [^{F45}Health and Social Care trust] responsible for the delivery of [^{F43}social care];
- (d) charity trustee of vulnerable adults' charity;
- (e) member or chief executive or member of staff of [^{F46}ISA].
- [^{F47}(f) an individual carrying on or managing a regulated establishment or agency which provides care, accommodation or services wholly or mainly for or in relation to vulnerable adults.]

(2) A charity is a vulnerable adults' charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity relating to vulnerable adults.

(3) An individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this sub-paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.

[^{F48}(4) For the purposes of sub-paragraph (1)(f) an establishment or agency is a regulated establishment or agency if the person carrying it on or managing it is required to be registered in respect of it under Article 12 of the 2003 Order.]

Textual Amendments

- F41** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F42** Sch. 2 para. 8(1)(aa) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 25(2)**
- F43** 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**
- F44** Words in Order substituted (1.4.2009) by virtue of 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**
- F45** 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)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F46** Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), **ss. 81(2)(3)(o)(iii)**, 116(5)(a)
- F47** Sch. 2 para. 8(1)(f) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 25(3)**
- F48** Sch. 2 para. 8(4) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 25(4)**

Commencement Information

- I33** Sch. 2 para. 8 wholly in operation; Sch. 2 para. 8 not in operation at date of making see art. 1(3); Sch. 2 para. 8 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(c)**; Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(b)**

9. The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to vulnerable adults is not to be treated as a regulated activity.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Commencement Information

I34 Sch. 2 para. 9 wholly in operation; Sch. 2 para. 9 not in operation at date of making see art. 1(3); Sch. 2 para. 9 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(c); Sch. 2 para. 9 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 5(o); Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(b)

PART III

THE PERIOD CONDITION

10.—(1) The period condition is satisfied if the person carrying out the activity does so at any time on more than two days in any period of 30 days.

(2) In relation to an activity that falls within paragraph 2(1)(a), (b), (c) or (d) or 7(1)(a), (b), (c), (d) or (g), the period condition is also satisfied if—

- (a) the person carrying out the activity does so at any time between 2 a.m. and 6 a.m. and
- (b) the activity gives the person the opportunity to have face-to-face contact with children or vulnerable adults (as the case may be).

Commencement Information

I35 Sch. 2 para. 10 wholly in operation; Sch. 2 para. 10 not in operation at date of making see art. 1(3); Sch. 2 para. 10 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(c); Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(b)

SCHEDULE 3

Article 15

APPROPRIATE VERIFICATION

PART I

DEFAULT POSITION

1.—(1) A regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period—

- (a) he obtains relevant information relating to B in pursuance of an application under Article 32, or
- (b) he obtains a copy of an enhanced criminal record certificate relating to B issued in relation to the regulated activity provider.

(2) “Relevant information” means—

- (a) in relation to regulated activity relating to children, relevant information relating to children (within the meaning of Article 33);

Status: Point in time view as at 12/11/2009.

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- (b) in relation to regulated activity relating to vulnerable adults, relevant information relating to vulnerable adults (within the meaning of Article 33).

Commencement Information

I36 Sch. 3 para. 1 partly in operation; Sch. 3 para. 1 not in operation at date of making see art. 1(3); Sch. 3 para. 1(1) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

2.—(1) A regulated activity provider obtains an appropriate verification in accordance with this Part if—

- (a) an enhanced criminal record certificate relating to B is issued during the prescribed period,
- (b) the application for the certificate is countersigned on behalf of the regulated activity provider by a registered person (within the meaning of Part 5 of the Police Act 1997 (c. 50)), and
- (c) the regulated activity provider obtains from the registered person the information mentioned in sub-paragraph (2) derived from the certificate.
- (2) The information is—
- (a) whether B is subject to monitoring, and
- (b) whether [^{F49}ISA] is considering whether to include B in a barred list in pursuance of paragraph 3 or 5 or (as the case may be) 9 or 11 of Schedule 1.

Textual Amendments

F49 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(iv), 116(5)(a)

Commencement Information

I37 Sch. 3 para. 2 partly in operation; Sch. 3 para. 2 not in operation at date of making see art. 1(3); Sch. 3 para. 2(1)(a) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

3.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in an activity that is regulated activity,
- (b) B engages in the activity with the permission of that and another regulated activity provider (C), and
- (c) the permission mentioned in paragraph (a) does not have continuous effect for a period exceeding the prescribed period.
- (2) The regulated activity provider mentioned in sub-paragraph (1)(a) obtains an appropriate verification in accordance with this Part if, during the prescribed period, he obtains written confirmation from C—
- (a) that C is appropriately registered in relation to B,
- (b) that C has no reason to believe that B is barred from the activity, and
- (c) that C has no reason to believe that B is not subject to monitoring in relation to the activity.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Commencement Information

I38 Sch. 3 para. 3 partly in operation; Sch. 3 para. 3 not in operation at date of making see art. 1(3); Sch. 3 para. 3(1)(c)(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

- 4.—(1) This paragraph applies if—
- (a) a regulated activity provider permits B to engage in regulated activity,
 - (b) B is supplied by a personnel supplier, and
 - (c) the permission does not have continuous effect for a period exceeding the prescribed period.
- (2) The regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period, he obtains written confirmation from the personnel supplier—
- (a) that the personnel supplier is appropriately registered in relation to B,
 - (b) that the personnel supplier has no reason to believe that B is barred from the activity, and
 - (c) that the personnel supplier has no reason to believe that B is not subject to monitoring in relation to the activity.

Commencement Information

I39 Sch. 3 para. 4 partly in operation; Sch. 3 para. 4 not in operation at date of making see art. 1(3); Sch. 3 para. 4(1)(c)(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

PART II

PRESCRIBED VERIFICATION

5. A regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period—
- (a) he ascertains in the prescribed manner whether B is subject to monitoring in relation to the activity, and
 - (b) he takes prescribed steps to have an enhanced criminal record certificate relating to B issued in relation to him.

Commencement Information

I40 Sch. 3 para. 5 partly in operation; Sch. 3 para. 5 not in operation at date of making see art. 1(3); Sch. 3 para. 5 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

- 6.—(1) This paragraph applies if—
- (a) a regulated activity provider permits B to engage in an activity that is regulated activity,
 - (b) B engages in the activity with the permission of that and another regulated activity provider (C), and
 - (c) the permission mentioned in paragraph (a) does not have continuous effect for a period exceeding the prescribed period.

Status: Point in time view as at 12/11/2009.

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- (2) The regulated activity provider mentioned in sub-paragraph (1)(a) obtains an appropriate verification in accordance with this Part if he obtains from C—
- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to C during the prescribed period, and
 - (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.
- (3) The confirmation is written confirmation—
- (a) that C is appropriately registered in relation to B,
 - (b) that C has no reason to believe that B is barred from the activity,
 - (c) that C has no reason to believe that B is not subject to monitoring in relation to the activity, and
 - (d) that no information has been disclosed to C in pursuance of section 113B(6)(b) of the Police Act 1997 (c. 50) in connection with the enhanced criminal record certificate.

Commencement Information

I41 Sch. 3 para. 6 partly in operation; Sch. 3 para. 6 not in operation at date of making see art. 1(3); Sch. 3 para. 6(1)(c)(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

- 7.—(1) This paragraph applies if—
- (a) a regulated activity provider permits B to engage in regulated activity,
 - (b) B is supplied by a personnel supplier, and
 - (c) the permission does not have continuous effect for a period exceeding the prescribed period.
- (2) The regulated activity provider obtains an appropriate verification in accordance with this Part if he obtains from the personnel supplier—
- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to the personnel supplier during the prescribed period, and
 - (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.
- (3) The confirmation is written confirmation—
- (a) that the personnel supplier is appropriately registered in relation to B,
 - (b) that the personnel supplier has no reason to believe that B is barred from the activity,
 - (c) that the personnel supplier has no reason to believe that B is not subject to monitoring in relation to the activity, and
 - (d) that no information has been disclosed to the personnel supplier in pursuance of section 113B(6)(b) of the Police Act 1997 (c. 50) in connection with the enhanced criminal record certificate.

Commencement Information

I42 Sch. 3 para. 7 partly in operation; Sch. 3 para. 7 not in operation at date of making see art. 1(3); Sch. 3 para. 7(1)(c)(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

Status: Point in time view as at 12/11/2009.

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PART III

PRESCRIBED VERIFICATION

8. A regulated activity provider obtains an appropriate verification in accordance with this Part if, during the prescribed period, he obtains a copy of an enhanced criminal record certificate relating to B issued in relation to the regulated activity provider.

Commencement Information

I43 Sch. 3 para. 8 partly in operation; Sch. 3 para. 8 not in operation at date of making see art. 1(3); Sch. 3 para. 8 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

9.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in an activity that is regulated activity,
- (b) B engages in the activity with the permission of that and another regulated activity provider (C), and
- (c) the permission mentioned in paragraph (a) does not have continuous effect for a period exceeding the prescribed period.

(2) The regulated activity provider mentioned in sub-paragraph (1)(a) obtains an appropriate verification in accordance with this Part if he obtains from C—

- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to C during the prescribed period, and
- (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.

(3) The confirmation is written confirmation—

- (a) that C is appropriately registered in relation to B,
- (b) that C has no reason to believe that B is barred from the activity,
- (c) that C has no reason to believe that B is not subject to monitoring in relation to the activity, and
- (d) that no information has been disclosed to C in pursuance of section 113B(6)(b) of the Police Act 1997 in connection with the enhanced criminal record certificate.

Commencement Information

I44 Sch. 3 para. 9 partly in operation; Sch. 3 para. 9 not in operation at date of making see art. 1(3); Sch. 3 para. 9(1)(c)(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

10.—(1) This paragraph applies if—

- (a) a regulated activity provider permits B to engage in regulated activity,
- (b) B is supplied by a personnel supplier, and
- (c) the permission does not have continuous effect for a period exceeding the prescribed period.

(2) The regulated activity provider obtains an appropriate verification in accordance with this Part if he obtains from the personnel supplier—

- (a) a copy of an enhanced criminal record certificate relating to B issued in relation to the personnel supplier during the prescribed period, and

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- (b) the confirmation mentioned in sub-paragraph (3) during the prescribed period.
- (3) The confirmation is written confirmation—
 - (a) that the personnel supplier is appropriately registered in relation to B,
 - (b) that the personnel supplier has no reason to believe that B is barred from the activity,
 - (c) that the personnel supplier has no reason to believe that B is not subject to monitoring in relation to the activity, and
 - (d) that no information has been disclosed to the personnel supplier in pursuance of section 113B(6)(b) of the Police Act 1997 (c. 50) in connection with the enhanced criminal record certificate.

Commencement Information

I45 Sch. 3 para. 10 partly in operation; Sch. 3 para. 10 not in operation at date of making see art. 1(3); Sch. 3 para. 10(1)(c)(2) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(x)

PART IV

DEFINITIONS AND POWER TO AMEND

PROSPECTIVE

- 11.** In this Schedule “enhanced criminal record certificate” means—
- (a) in relation to regulated activity relating to children, an enhanced criminal record certificate issued under the Police Act 1997 containing suitability information relating to children (within the meaning of section 113BA of that Act);
 - (b) in relation to regulated activity relating to vulnerable adults, an enhanced criminal record certificate issued under that Act containing suitability information relating to vulnerable adults (within the meaning of Article 113BB of that Act).

PROSPECTIVE

- 12.** For the purposes of this Schedule an enhanced criminal record certificate is issued in relation to a regulated activity provider, or personnel supplier, only if—
- (a) he countersigned the application for the certificate as a registered person for the purposes of Part 5 of the Police Act 1997, or
 - (b) the application was countersigned on his behalf by such a person.

PROSPECTIVE

- 13.** For the purposes of this Schedule a regulated activity provider, or personnel supplier, is “appropriately registered” in relation to B if—
- (a) he is registered in relation to B under Article 34,
 - (b) his registration relates to monitoring in relation to the activity that he has permitted or supplied B to engage in, and

Status: Point in time view as at 12/11/2009.

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- (c) he has notified the Secretary of State of the address to which communications are to be sent in connection with his registration.

14. The Secretary of State may by order amend the preceding provisions of this Schedule for the purpose of altering what constitutes obtaining an appropriate verification.

Commencement Information

I46 Sch. 3 para. 14 partly in operation; Sch. 3 para. 14 not in operation at date of making see art. 1(3); Sch. 3 para. 14 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 5(p)

SCHEDULE 4

Article 16

EMPLOYMENT BUSINESSES: FAILURE TO CHECK

Offences

PROSPECTIVE

- 1.—(1) A person (P) who carries on an employment business commits an offence if—
- (a) he supplies an individual (B) to another person in the course of that business,
 - (b) he knows or has reason to believe that the other person will permit B to engage in regulated activity, and
 - (c) he is not appropriately registered in relation to B.
- (2) P is appropriately registered in relation to B if—
- (a) he is registered in relation to B under Article 34,
 - (b) his registration relates to monitoring in relation to the activity, and
 - (c) he has notified the Secretary of State of the address to which communications are to be sent in connection with his registration.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

2.—(1) In such circumstances as are prescribed, a person (P) who carries on an employment business commits an offence if—

- (a) he supplies an individual (B) to another person in the course of that business,
 - (b) he knows or has reason to believe that the other person will permit B to engage in regulated activity, and
 - (c) he fails to obtain a copy of an enhanced criminal record certificate relating to B issued in relation to P during the prescribed period.
- (2) For these purposes “enhanced criminal record certificate” means—
- (a) in relation to regulated activity relating to children, an enhanced criminal record certificate issued under the Police Act 1997 (c. 50) containing suitability information relating to children (within the meaning of section 113BA of that Act);

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

- (b) in relation to regulated activity relating to vulnerable adults, an enhanced criminal record certificate issued under that Act containing suitability information relating to vulnerable adults (within the meaning of section 113BB of that Act).
- (3) An enhanced criminal record certificate is issued in relation to P only if —
 - (a) he countersigned the application for the certificate as a registered person for the purposes of Part 5 of the Police Act 1997 Act, or
 - (b) the application was countersigned on his behalf by such a person.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

I47 Sch. 4 para. 2 partly in operation; Sch. 4 para. 2 not in operation at date of making see art. 1(3); Sch. 4 para. 2(1) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(y)

PROSPECTIVE

Defences

- 3.—**(1) P does not commit an offence under paragraph 1 or 2 if the regulated activity—
- (a) is regulated activity relating to vulnerable adults, and
 - (b) falls within Article 20.
- (2) P does not commit an offence under paragraph 1 or 2 in relation to any period during which B is continuously supplied to another if the period begins before the commencement of this Schedule.
- (3) Sub-paragraph (2) does not apply in relation to a period falling after such date as the Secretary of State specifies by order.

PROSPECTIVE

Modified meaning of regulated activity

- 4.** For the purposes of this Schedule, Schedule 2 is modified as follows—
- (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
 - (b) in paragraph 7(1), the words “if it is carried out frequently by the same person or the period condition is satisfied” must be disregarded;
 - (c) in paragraph 7(4), paragraph (a) must be disregarded.

Power to amend paragraph 2(1)(c)

- 5.** The Secretary of State may by order amend paragraph 2(1)(c) for the purpose of requiring an employment business to carry out such checks in relation to B as may be specified.

Commencement Information

I48 Sch. 4 para. 5 partly in operation; Sch. 4 para. 5 not in operation at date of making see art. 1(3); Sch. 4 para. 5 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 5(q)

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

PROSPECTIVE

Offence: acting for P etc

6. If the commission of an offence under paragraph 1 or 2 is due to the act or reckless default of a person who acts for or appears to act for P—
- (a) that person is guilty of the offence, and
 - (b) he may be proceeded against and punished whether or not proceedings are also taken against P.

SCHEDULE 5

Article 32

VETTING INFORMATION

1. This is the table referred to in Articles 32 and 34—

<i>Column 1</i>	<i>Column 2</i>
1. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to children	Children
2. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to vulnerable adults	Vulnerable adults
3. Person who permits, or is considering whether to permit B to engage in controlled activity relating to children	Children
4. Person who permits, or is considering whether to permit, B to engage in controlled activity relating to vulnerable adults	Vulnerable adults
5. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to children	Children
6. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to vulnerable adults	Vulnerable adult
7. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in controlled activity relating to children	Children

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

8. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in controlled activity relating to vulnerable adults **Vulnerable adults**

9. Person who has parental responsibility for a child and is considering whether B is suitable to engage in regulated activity in relation to the child, but not if B is permitted to do so by an independent regulated activity provider **Children**

10. Parent who is considering whether B should be a private foster parent (within the meaning of Article 55 in relation to his child **Children**

11. Person (except the parent of a child to be fostered) making or who has made arrangements for another to foster a child who is considering whether B is suitable to live in premises in which the child is fostered **Children**

12. An authority (within the meaning of the Children Order) in the exercise of functions under Article 108 of that Order considering whether B is suitable— **Children**

- (a) to foster a child privately (within the meaning of that Order);
- (b) to live in premises in which a child is so fostered

13. Person who is considering whether B is suitable to engage in regulated activity in relation to a vulnerable adult who is a friend or family member of the person, but not if B is permitted to do so by an independent regulated activity provider **Vulnerable adults**

14. Person who carries on an adult placement scheme and is considering whether B is suitable to live in premises in which an adult is provided with accommodation as part of the scheme **Vulnerable adults**

15. Person who is permitting, or considering whether to permit, B to have access to health or educational records relating to a child **Children**

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

16. Person who is permitting, or considering whether to permit, B to have access to health records relating to vulnerable adults

17. Appropriate officer (within the meaning of Article 17) who is required to obtain relevant information relating to B

18. Person who is permitting, or is considering whether to permit, B to engage in an activity in respect of which financial resources are provided pursuant to Article 4(2)(a) of the Further Education (Northern Ireland) Order 1997 (NI 15) or section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29), if engaging in the activity gives B the opportunity to have contact with children

19. Person of a prescribed description who is performing a prescribed function in connection with B in such circumstances as are prescribed

- (a) Children (if prescribed for the purposes of this entry);
- (b) Vulnerable adults (if prescribed for the purposes of this entry)

Commencement Information

I49 Sch. 5 para. 1 partly in operation; Sch. 5 para. 1 not in operation at date of making see art. 1(3); Sch. 5 para. 1 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 4(z)

2. The Secretary of State may by order amend any of entries 1 to 18 in column 1 of the table.

Commencement Information

I50 Sch. 5 para. 2 partly in operation; Sch. 5 para. 2 not in operation at date of making see art. 1(3); Sch. 5 para. 2 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 5(r)

PROSPECTIVE

3.—(1) In entries 1 and 5 in the table the reference to regulated activity must be construed by disregarding sub-paragraph (2) of paragraph 2 of Schedule 2 if the activity—

- (a) relates to a child who has not attained the age of 16, or
- (b) is carried on for the purposes of the armed forces of the Crown.

(2) In entries 1, 2, 5, 6, 9 and 13 in the table the reference to regulated activity includes a reference to an activity which would be a regulated activity if—

- (a) it were carried out frequently, or

Status: Point in time view as at 12/11/2009.

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(b) it were not merely incidental to another activity.

(3) In entries 3, 4, 7 and 8 in the table the reference to controlled activity includes a reference to an activity which would be a controlled activity if it were carried out frequently.

PROSPECTIVE

4. Parental responsibility has the same meaning as in the Children Order.

PROSPECTIVE

5. A regulated activity provider is an independent regulated activity provider unless it is a company wholly owned by B.

PROSPECTIVE

6. An adult placement scheme is a scheme—

(a) under which an individual agrees with the person carrying on the scheme to provide accommodation, in the home in which the individual ordinarily resides, to an adult who is in need of it, and

(b) in respect of which a requirement to register arises under Article 12 of the 2003 Order.

SCHEDULE 6

Article 59

TRANSITIONAL PROVISIONS

Advice by [F50]ISA

Textual Amendments

F50 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(v), 116(5)(a)**

1,—(1) [F51]ISA must provide the Department of Health, Social Services and Public Safety with such advice as it requests in connection with any decision in relation to the inclusion of a person in a list kept under Article 3 or 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4).

(2) [F51]ISA must provide the Department of Education with such advice as it requests in connection with any decision in relation to the inclusion of a person in a list kept for the purposes of Article 70(2)(e)(iii) or 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

F51 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(v)**, 116(5)(a)

Existing restrictions relating to children

- 2.—(1) This paragraph applies to a person who is—
- (a) included in the list kept under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4) (individuals considered unsuitable to work with children);
 - (b) disqualified from working with children by virtue of an order of the court under Article 23 or 24 of that Order;
 - (c) included in the list kept under Article 70(2)(e)(iii) or 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3) (prohibition from teaching etc).
- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
- (a) requiring [^{F52}ISA] to include the person in the children's barred list;
 - (b) requiring [^{F52}ISA] to consider including the person in the children's barred list;
 - (c) as to circumstances in which the person may make representations to [^{F52}ISA] and the time at which such representations may be made;
 - (d) modifying the provisions of this Order so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 1 in connection with [^{F53}ISA's] consideration of any matter relating to the person.
- (3) An order under this paragraph may contain provision—
- (a) enabling the General Teaching Council for Northern Ireland to make determinations on an application by a person who has ceased to be subject to a decision under Article 70(2)(e)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3) in relation to his eligibility for registration under Article 35 of the Education (Northern Ireland) Order 1998 (NI 13);
 - (b) for the Secretary of State to prescribe by regulations the procedure in relation to an application as mentioned in paragraph (a).

Textual Amendments

F52 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(v)**, 116(5)(a)

F53 Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 81(2)(3)(o)(v)**, 116(5)(a)

Commencement Information

I51 [Sch. 6 para. 2](#) wholly in operation at 14.4.2008; [Sch. 6 para. 2](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 6 para. 2](#) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(d)**; [Sch. 6 para. 2](#) wholly in operation at 14.4.2008 by [S.R. 2008/127](#), **art. 4(o)**

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

Existing restrictions relating to vulnerable adults

3.—(1) This paragraph applies to a person who is included in the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 14) (individuals considered unsuitable to work with certain adults).

(2) The Secretary of State may, by order, make such provision as he thinks appropriate—

- (a) requiring [^{F54}ISA] to include the person in the adults' barred list;
- (b) requiring [^{F54}ISA] to consider including the person in the adults' barred list;
- (c) as to circumstances in which the person may make representations to [^{F54}ISA] and the time at which such representations may be made;
- (d) modifying the provisions of this Order so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
- (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 1 in connection with [^{F55}ISA's] consideration of any matter relating to the person.

Textual Amendments

F54 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(v), 116(5)(a)

F55 Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 81(2)(3)(o)(v), 116(5)(a)

Commencement Information

I52 Sch. 6 para. 3 wholly in operation at 14.4.2008; Sch. 6 para. 3 not in operation at date of making see art. 1(3); Sch. 6 para. 3 in operation for certain purposes at 14.3.2008 by S.R. 2008/127, art. 3(d); Sch. 6 para. 3 wholly in operation at 14.4.2008 by S.R. 2008/127, art. 4(o)

Existing restrictions: supplementary

4. An order under paragraph 2 or 3 may—

- (a) modify any criminal offence created by this Order;
- (b) create any new criminal offence,

but the penalty for an offence created by virtue of this paragraph must not exceed level 5 on the standard scale.

Commencement Information

I53 Sch. 6 para. 4 wholly in operation at 14.4.2008; Sch. 6 para. 4 not in operation at date of making see art. 1(3); Sch. 6 para. 4 in operation for certain purposes at 14.3.2008 by S.R. 2008/127, art. 3(d); Sch. 6 para. 4 wholly in operation at 14.4.2008 by S.R. 2008/127, art. 4(o)

Modifications relating to monitoring

5.—(1) The Secretary of State may by order provide that in relation to permission to engage in regulated activity having effect during the transitional period, references in Article 15(1) and (2) to ascertaining whether B is subject to monitoring in relation to an activity have effect as references to ascertaining whether B is barred from that activity.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

- (2) The transitional period is the period—
- (a) beginning with the commencement of Article 6, and
 - (b) ending with the commencement of Article 28.

SCHEDULE 7

Article 60

AMENDMENTS

The Children (Northern Ireland) Order 1995(NI 2)

1.—(1) In Article 109 (persons disqualified from being private foster parents) after paragraph (3) insert—

“(3A) A person shall not foster a child privately if—

- (a) he is barred from regulated activity relating to children (within the meaning of Article 7(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or
- (b) he lives in the same household as a person who is barred from such activity.”.

(2) In Article 122 (persons disqualified for registration in respect of child minding and day care), after paragraph (2)(f) insert—

“(fa) he is barred from regulated activity relating to children (within the meaning of Article 7(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007);”.

The Education and Libraries (Northern Ireland) Order 1986 (NI 3)

2.—(1) In Article 70(2)(e) (regulations for prohibiting or restricting employment of teachers) for the words from “(i) on medical grounds” to the end substitute “ on medical grounds, on grounds of misconduct or on educational grounds ”.

(2) In Article 88A(2)(b) (regulations for prohibiting or restricting employment of non-teaching staff) for the words from “(i) on medical grounds” to the end substitute “ on medical grounds or on grounds of misconduct ”.

The Police Act 1997 (c. 50)

3. In section 126 after subsection (2) add—

“(3) In the application of this Part to Northern Ireland a reference to the Safeguarding Vulnerable Groups Act 2006, or to a provision of that Act, shall be construed as a reference to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 or, as the case maybe, to the corresponding provision of that Order.”.

The Data Protection Act 1998 (c. 29)

4.—(1) In section 56 (prohibition of requirement as to production of certain records) in the table in subsection (6) after “the Safeguarding Vulnerable Groups Act 2006” (where it twice occurs) insert “ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ”.

(2) In section 75 (commencement etc.) in subsection (4A)—

- (a) in paragraph (a) after “the Safeguarding Vulnerable Groups Act 2006” insert “ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ”; and
- (b) in paragraph (b) after “that Act” insert “ or that Order ”.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 22 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)

The Health and Personal Social Services Act (Northern Ireland) 2001(c. 3)

5. In section 5 after subsection (3) add—

“(4) For the purposes of subsection (1)(a), in considering whether a person is of good character, the Council may have regard to whether he is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007).”

SCHEDULE 8

Article 60

REPEALS

Commencement Information

I54 Sch. 8 partly in operation; Sch. 8 not in operation at date of making see art. 1(3); Sch. 8 in operation for certain purposes at 12.10.2009 by S.R. 2009/304, art. 3(b); Sch. 8 in operation for certain purposes at 12.10.2009 by S.R. 2009/346, arts. 3, 4, Sch. (with arts. 5, 6, 7); Sch. 8 in operation for certain purposes at 7.4.2010 by S.R. 2010/145, art. 3 (with arts. 5-9)

Short Title	Extent of repeal
The Police Act 1997 (c. 50)	Sections 113C to 113F.
The Criminal Justice and Courts Services Act 2000 (c. 43)	Sections 35 and 36.
The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4)	The whole Order.
The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (NI 9)	In Schedule 4, the amendments to the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.
The Serious Organised Crime and Police Act 2005 (c. 15)	In Schedule 14, paragraph 2.

Status:

Point in time view as at 12/11/2009.

Changes to legislation:

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