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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 304**

**Safeguarding Vulnerable Groups (Regulated  
Activity, Transitional Provisions and Commencement  
No. 4) Order (Northern Ireland) 2009**

**PART 2**

Provisions applying during the first transitional period

**Modification to section 113BA of the Police Act 1997**

6.—(1) Section 113BA(1) of the Police Act 1997 has effect subject to the following modification.

(2) For subsection (2) substitute—

“(2) Suitability information relating to children is whether the applicant is—

- (a) barred from regulated activity relating to children;
- (b) provisionally included in the list kept under Article 3 of the 2003 Order;
- (c) included in the list kept under Article 3 of the 2003 Order otherwise than provisionally and disqualified from working with children for the purposes of Article 30 of that Order;
- (d) included in the list kept under regulation 8 of the 2007 Regulations;
- (e) provisionally included in the list kept under section 1 of the 1999 Act;
- (f) included in the list kept under section 1 of the 1999 Act otherwise than provisionally and disqualified from working with children for the purposes of section 35 of the 2000 Act;
- (g) subject to a direction made under section 142 of the 2002 Act;
- (h) provisionally included in the list kept under section 1(1) of the 2003 Act;
- (i) included in the list kept under section 1(1) of the 2003 Act and disqualified from working with children for the purposes of section 17 of that Act.

(2A) If the applicant is provisionally included in the list kept under—

- (a) Article 3 of the 2003 Order, the suitability information includes the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a childcare position with a childcare organisation in accordance with Article 16 of that Order; or
- (b) section 1 of the 1999 Act, the suitability information includes the fact that the applicant must not be employed or, as the case may be, must cease to be employed

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(1) Section 113BA is inserted by paragraph 14(4) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006. An amendment to section 126 of the Police Act 1997 by paragraph 3 of Schedule 7 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 makes section 113BA applicable to Northern Ireland.

in a childcare position with a childcare organisation in accordance with section 7 of that Act.

(2B) If the applicant is subject to a direction made under section 142 of the 2002 Act, the suitability information includes—

- (a) details of any prohibition or restriction on the applicant’s employment;
- (b) the grounds on which the direction was made, and, where the grounds are misconduct, details of the misconduct.

(2C) In subsection (2A)(a), “childcare position” and “childcare organisation” have the same meaning as in Article 20 of the 2003 Order.

(2D) In subsection (2A)(b), “childcare position” and “childcare organisation” have the same meaning as in section 12 of the 1999 Act.”.