

2009 No. 306

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2009

Made - - - - *1st September 2009*

Coming into operation - *12th October 2009*

To be laid before Parliament

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 3(1)(g) and 2(2)(a) of, paragraphs 2(1), 8(1), 24(1) and (2) of Schedule 1 and paragraphs 2(1)(f) and 7(1)(f) of Schedule 2 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(b).

Citation and commencement

1. These Regulations may be cited as the Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2009 and come into operation on 12th October 2009.

Interpretation

2. In these Regulations—

“the 2007 Order” means the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

Vulnerable adults – welfare service of a prescribed description

3. The provision of support, assistance or advice by any person, the purpose of which is to develop an individual’s capacity to live independently in accommodation, or sustain their capacity to do so, is a welfare service prescribed for the purpose of Article 3(1)(g) of the 2007 Order.

Regulated activity (driving a vehicle – prescribed circumstances relating to children)

4. Driving a vehicle, which is being used only for the purpose of conveying children and any person supervising or caring for them, is a regulated activity under paragraph 2(1)(f) of Schedule 2 to the 2007 Order in the following circumstances—

- (a) a person (P) makes an arrangement (under a contract or otherwise) for children to be conveyed in a vehicle;
- (b) the arrangement is made between P and a person (B) or between P and a person with whom B is engaging in any form of work (whether or not for gain); and
- (c) B drives the vehicle and conveys the children pursuant to that arrangement.

(a) Article 2(2) is cited because of the meaning it gives to “prescribed”.

(b) S.I. 2007/1351 (N.I. 11).

Regulated activity (driving a vehicle – prescribed circumstances relating to vulnerable adults)

5. Driving a vehicle, which is being used only for the purpose of conveying vulnerable adults and any person caring for them, is a regulated activity under paragraph 7(1)(f) of Schedule 2 to the 2007 Order in the following circumstances—

- (a) a person (P) makes an arrangement (under a contract or otherwise) for vulnerable adults to be conveyed in a vehicle;
- (b) the arrangement is made between P and a person (B) or between P and a person with whom B is engaging in any form of work (whether or not for gain); and
- (c) B drives the vehicle and conveys the vulnerable adults pursuant to that arrangement.

Amendments to the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009

6.—(1) The Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009(a) are amended in accordance with paragraphs (2) to (5).

(2) In Part 1 of the table in paragraph 2 of the Schedule (prescribed criteria – automatic inclusion in the children’s barred list with the right to make representations) insert the following entries at the appropriate place—

“Theft Act 1968, section 9(1)(a)(b)	The offence was committed with intent to commit rape”
“Theft Act (Northern Ireland) 1969, section 9(c)	The offence was committed with intent to commit rape”

(3) In Part 2 of the table in paragraph 2 of the Schedule omit “Theft Act 1968, section 9(1)(a)” and “Theft Act (Northern Ireland) 1969, section 9”.

(4) In Part 1 of the table in paragraph 4 of the Schedule (prescribed criteria – automatic inclusion in the adults’ barred list with the right to make representations) insert the following entries at the appropriate place—

“Theft Act 1968, section 9(1)(a)	The offence was committed with intent to commit rape”
“Theft Act (Northern Ireland) 1969, section 9	The offence was committed with intent to commit rape”

(5) In Part 2 of the table in paragraph 4 of the Schedule—

- (a) omit “Theft Act 1968, section 9(1)(a)” and “Theft Act (Northern Ireland) 1969, section 9”; and
- (b) insert the following entry at the appropriate place—
“Sexual Offences (Scotland) Act 1976, section 3(d)”.

Northern Ireland Office
1st September 2009

Paul Goggins
Minister of State

(a) S.R. 2009 No. 39.
(b) 1968 c. 60. Section 9, in relation to intent to commit rape, was repealed by paragraph 17 of Schedule 6 to the Sexual Offences Act 2003 (c. 42).
(c) 1969 c. 16. Section 9, in relation to intent to commit rape, was amended by the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I. 13).
(d) 1976 c. 67. Section 3 was repealed by Schedule 3 to the Crime and Punishment (Scotland) Act 1997 (c. 48).

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations are made under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (N.I.11) (“the 2007 Order”).

Regulation 3 provides that support, assistance or advice provided to an individual by any person, the purpose of which is to develop that individual’s capacity to live independently or to sustain their ability to do so, is a welfare service for the purpose of Article 3(1)(g) of the 2007 Order. The effect of this regulation is to bring the recipients of this type of welfare service within the definition of “vulnerable adult” in Article 3 of the 2007 Order.

Regulation 4 prescribes the circumstances in which driving a vehicle, which is being used only for the purpose of conveying children and any person supervising or caring for the children, will be a regulated activity.

Regulation 5 makes similar provision in respect of vulnerable adults.

Regulation 6 amends the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009 to rectify two omissions from the criteria for automatic barring under the Scheme.

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