
EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of the Order brings into operation Article 7 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (“the Order”) which has the effect of barring from regulated activity a person who is included in one of the barred lists under Article 6 of the Order, namely the children’s barred list and the adults’ barred list. The barred lists are established under Article 6 of the Order and are maintained by the Independent Barring Board (“IBB”) which is a body established under section 1 of the Safeguarding Vulnerable Groups Act 2006 (c.47).

Article 3 also brings into operation Articles 11, 13 and other Articles in the Order that relate to the offences created under the Order in relation to a person who engages in regulated activity whilst on one of the barred lists.

This Order also brings into operation the duties to refer prescribed information to the IBB under Articles 37, 38, 41, 43 and 47 of the Order. Duties under sections 39, 42, 44 and 48 to provide IBB with prescribed information on request came into operation on the 13th March 2009 (S.R. 2009 No. 41). The Safeguarding Vulnerable Groups (Prescribed Information) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 40) specifies the information prescribed in relation to the duties to refer and to provide information on request. Article 3 also commences the offence under Article 40 of the Order for failure to comply with any of the duties under Article 37, 38 or 39 of the Order to provide information.

Article 4 provides for partial commencement of the repeal of the provisions of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (“POCVA”) from 12th October 2009. The effect of Article 4 is that where a person is barred from regulated activity by virtue of Article 7 of the Order, no disqualification order under Article 23 or 24 of POCVA can be made in relation to that person. Article 4 also has the effect of excluding from the scope of Article 30 of POCVA persons subject to disqualification orders falling within the description in paragraph (5) of Article 4. Article 30 of POCVA makes it an offence for persons disqualified from working with children to apply for, to offer to do, to accept or to do any work in a regulated position.

Articles 5 to 7 consist of transitional provisions and savings in relation to individuals who immediately before 12th October 2009 are still subject to the old barring regimes (i.e. those included in the lists kept under Articles 3 and 35 of POCVA, and regulation 8 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007 (“the 2007 Regulations”) (S.R. 2007 No. 288). Where such a person has not been included in the children’s barred list by that date, or where the person has been included in that list under Article 3, 4, 5 or 6 of the Safeguarding Vulnerable Groups (Transitional Provisions) Order (Northern Ireland) 2008 (S.R. 2008 No. 200) but no final decision has been taken on their inclusion, the relevant old barring regime will continue to apply instead of Article 7 of the Order until one of the events referred to in Article 5(5), 6(5) or 7(4) occurs.

Changes to legislation:

There are currently no known outstanding effects for the Safeguarding Vulnerable Groups (2007 Order) (Commencement No. 5, Transitional Provisions and Savings) Order (Northern Ireland) 2009.