
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 39

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

PART 1

Introduction

Citation and Commencement

1. These Regulations may be cited as the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009 and shall come into operation on 13th March 2009.

Commencement Information

II [Reg. 1](#) in operation at 13.3.2009, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

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

“the 2007 Regulations” means the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007(1);

“connected offence” means, in relation to an offence specified in the Schedule, an offence of—

- (a) attempting, conspiring or incitement to commit that offence, or
- (b) aiding, abetting, counselling or procuring, the commission of that offence;

“disqualification order” means an order of the court under Article 23 or 24 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(2);

“relevant circumstances” means—

- (a) in relation to an offence specified in—
 - (i) sub-paragraph (a) or (b) of paragraph 1,
 - (ii) sub-paragraph (b)(ii) to (v), (c) or (d)(ii) of paragraph 2, or
 - (iii) sub-paragraph (b)(ii) to (vii), (c) or (d)(ii) of paragraph 4of the Schedule the circumstances described in the relevant sub-paragraph which relate to the commission of that offence, and
- (b) in relation to an offence specified in—

(1) S.R. 2007 No. 288.

(2) S.I. 2003/417 (N.I. 4).

- (i) sub-paragraph (c), (e) or (g)(i) of paragraph 1,
- (ii) sub-paragraph (e), (g) or (i)(i) of paragraph 2, or
- (iii) sub-paragraph (e), (g) or (i)(i) of paragraph 4

of the Schedule the circumstances referred to in the relevant sub-paragraph in relation to the commission of that offence;

“relevant date” means the date on which these Regulations come into operation;

“relevant period” means the period starting on the day on which these Regulations come into operation and ending on the day on which Article 7 of the Order comes into operation for all purposes.

(2) In regulation 5 a reference to an offence specified in paragraph 1(a) to (c), (e) or (g)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(3) In regulation 6 a reference to an offence specified in paragraph 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(4) In regulation 8 a reference to an offence specified in paragraph 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

[^{F1}(5) In regulations 5 to 8—

- (a) a reference to an offence, A, specified in the Schedule includes a reference to offence, B, which in relation to offence A is a connected offence; and
- (b) a reference to being convicted of an offence specified in the Schedule includes a reference to being convicted of—
 - (i) an Islands offence; or
 - (ii) a relevant foreign offence.

(6) In paragraph (5)(b), an Islands offence is an offence satisfying the criteria in paragraph (6A) and a relevant foreign offence is an offence satisfying the criteria in paragraph (7).

(6A) The criteria are that—

- (a) the offence is one under the law in force in the Isle of Man or any of the Channel Islands;
- (b) the conduct which constitutes the offence would, if carried out in Northern Ireland, amount to an equivalent offence which is specified in the Schedule; and
- (c) where the equivalent offence is one specified in paragraph 1(a) to (c), (e) or (g)(i), 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) or 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule, the offence was committed in relevant circumstances relating to the equivalent offence.]

(7) The criteria are that—

- (a) the offence is one under the law in force in a country or territory outside the British Islands;
- (b) the conduct which constitutes the offence would, if carried out in Northern Ireland, amount to an equivalent offence which is specified in the Schedule; and
- (c) where the equivalent offence is one specified in paragraph 1(a) to (c), (e) or (g)(i), 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) or 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule, the offence was committed in relevant circumstances relating to the equivalent offence.

[^{F2}(7A) For the purposes of paragraph (6A), an act punishable under the law in force in the Isle of Man or any of the Channel Islands constitutes an offence under that law however it is described in that law.]

(8) For the purposes of paragraph (7) an act punishable under the law in force in a country or territory outside the British Islands constitutes an offence under that law however it is described in that law.

Textual Amendments

- F1** Reg. 2(5)(6)(6A) substituted for (1.4.2010) by Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/31), regs. 1, **3(2)(a)**
- F2** Reg. 2(7A) inserted (1.4.2010) by Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/31), regs. 1, **3(2)(b)**

Commencement Information

- I2** Reg. 2 in operation at 13.3.2009, see **reg. 1**

Effect of decision not to impose a disqualification order

3.—(1) Where the condition in paragraph (2) is met, the offences referred to in regulations 5 to 8 do not include any offence which a person has committed against a child before the commencement (for all purposes) of Article 6 of the Order.

(2) The condition is that the court, having considered whether to make a disqualification order in connection with the commission of the offence, decided not to.

(3) In this regulation the reference to an offence committed against a child must be construed in accordance with Part 2 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

Commencement Information

- I3** Reg. 3 in operation at 13.3.2009, see **reg. 1**

Changes to legislation:

There are currently no known outstanding effects for the The Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009, PART 1.