
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 39

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

PART 2

Prescribed criteria

4.—(1) During the relevant period, the criteria prescribed in this Part are not satisfied in so far as they relate to—

- (a) an offence specified in the Schedule to the 2007 Regulations under the law of England and Wales, Scotland or the law extending to the United Kingdom as a whole or any part or parts thereof;
- (b) an offence specified in the Schedule to these Regulations under the law of England and Wales, Scotland or the law extending to the United Kingdom as a whole or any part or parts thereof; or
- (c) a connected offence in relation to an offence mentioned in sub-paragraph (a) or (b),

unless that offence or connected offence was committed in Northern Ireland.

(2) During the relevant period, the criteria prescribed in this Part are not satisfied in so far as they relate to—

- (a) a relevant foreign offence; or
- (b) an offence which in relation to that relevant foreign offence is a connected offence,

unless the equivalent offence specified in the Schedule is an offence under the law of Northern Ireland.

Commencement Information

II Reg. 4 in operation at 13.3.2009, see **reg. 1**

Prescribed criteria – automatic inclusion in the children’s barred list

5.—(1) The criteria prescribed for the purposes of paragraph 1(1) of Schedule 1 to the Order are the criteria set out in paragraphs (2) to (4).

(2) The criterion set out in this paragraph is that before the relevant date—

- (a) the person had been made subject to a disqualification order, and
- (b) condition C in the 2007 Regulations was satisfied in relation to the person, and
- (c) regulation 6 of those Regulations applied to the person, and
- (d) the Department of Education had not included that person in the list kept under regulation 8 of those Regulations.

- (3) The criterion set out in this paragraph is that before the relevant date—
- (a) the person had been convicted of, or cautioned in relation to, an offence specified in Part 2 of the Schedule to the 2007 Regulations, and
 - (b) condition C in those Regulations was satisfied in relation to the person, and
 - (c) regulation 6 of those Regulations applied to the person, and
 - (d) the Department of Education had not included that person in the list kept under regulation 8 of those Regulations.
- (4) The criterion set out in this paragraph is that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 1 of the Schedule.

Commencement Information

I2 [Reg. 5](#) in operation at 13.3.2009, see [reg. 1](#)

Prescribed criteria – automatic inclusion in the children’s barred list with the right to make representations

6.—(1) The criteria prescribed for the purposes of paragraph 2(1) of Schedule 1 to the Order are the criteria set out in paragraphs (2) to (6).

- (2) The criterion set out in this paragraph is that before the relevant date—
- (a) the person had been made subject to a disqualification order, and
 - (b) condition C of the 2007 Regulations was not satisfied in relation to the person, and
 - (c) regulation 6 of those Regulations applied to the person, and
 - (d) the Department of Education had not included that person in the list kept under regulation 8 of the 2007 Regulations.
- (3) The criterion set out in this paragraph is that before the relevant date—
- (a) the person had been convicted of, or cautioned in relation to, an offence specified in Parts 2 to 5 of the Schedule to the 2007 Regulations, and
 - (b) any of conditions D to F in those Regulations was satisfied in relation to the person, and
 - (c) regulation 6 of those Regulations applied to the person, and
 - (d) the Department of Education had not included that person in the list kept under regulation 8 of those Regulations.
- (4) The criterion set out in this paragraph is that the person has, on or after the relevant date been made subject to a risk of sexual harm order within the meaning of section 123 of the Sexual Offences Act 2003⁽¹⁾ or section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005⁽²⁾.
- (5) The criterion set out in this paragraph is that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 2 of the Schedule.
- (6) The criterion set out in this paragraph is that the person has, on or after the relevant date, been made subject to a disqualification order and the person does not meet any other criteria prescribed in regulation 5 or in this regulation.

(1) 2003 c. 42 (“the 2003 Act”).

(2) 2005 asp 9.

Commencement Information

I3 [Reg. 6](#) in operation at 13.3.2009, see [reg. 1](#)

Prescribed criteria – automatic inclusion in the adults’ barred list

7. The criterion prescribed for the purposes of paragraph 7(1) of Schedule 1 to the Order is that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 3 of the Schedule.

Commencement Information

I4 [Reg. 7](#) in operation at 13.3.2009, see [reg. 1](#)

Prescribed criteria – automatic inclusion in the adults’ barred list with the right to make representations

8. The criteria prescribed for the purposes of paragraph 8(1) of Schedule 1 to the Order are—
- (a) that the person has, on or after the relevant date, been made subject to a risk of sexual harm order within the meaning of section 123 of the Sexual Offences Act 2003 or section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005; or
 - (b) that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 4 of the Schedule.

Commencement Information

I5 [Reg. 8](#) 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 2.