

2009 No. 265

**CHILDREN AND YOUNG PERSONS, ENGLAND AND
WALES**

**PROTECTION OF VULNERABLE ADULTS, ENGLAND
AND WALES**

**The Safeguarding Vulnerable Groups Act 2006 (Devolution
Alignment) Order 2009**

<i>Made</i> - - - -	<i>11th February 2009</i>
<i>Laid before Parliament</i>	<i>19th February 2009</i>
<i>Coming into force</i> - -	<i>13th March 2009</i>

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 54(1) of the Safeguarding Vulnerable Groups Act 2006(a).

Citation and commencement

1. This Order may be cited as the Safeguarding Vulnerable Groups Act 2006 (Devolution Alignment) Order 2009 and comes into force on 13th March 2009.

Amendments to the Safeguarding Vulnerable Groups Act 2006 (Transitory Provisions) Order 2008

2.—(1) The Safeguarding Vulnerable Groups Act 2006 (Transitory Provisions) Order 2009(b) is amended as follows.

(2) After article 6, insert—

“Effect of inclusion in the Northern Ireland children’s barred list

6A.—(1) This article applies if IBB, in exercise of its functions under the Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009(c), includes a person (X) in the children’s barred list established and maintained under Article 6(1)(a) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(d) (“the Northern Ireland children’s barred list”).

(2) Subject to paragraph (4) X must be treated for all purposes as if X—

(a) is included in the list maintained under section 1 of the 1999 Act;

(a) 2006 c. 47.
(b) S.I. 2009/12.
(c) S.R. (N.I.) 2009 No. 38.
(d) S.I. 2007/1351 (N.I. 11).

(b) is subject to a direction under section 142 of the 2002 Act.

(3) Accordingly, a reference in any enactment or subordinate legislation to a person included in that list or subject to such a direction includes a reference to a person included in the Northern Ireland children's barred list.

(4) Paragraphs (2) and (3) do not apply for the purposes of—

- (a) section 1(3) or 4 of the 1999 Act;
- (b) section 144 of the 2002 Act;
- (c) article 2 or 3 of the Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008.”.

(3) After article 7, insert—

“Effect of inclusion in the Northern Ireland adults' barred list

7A.—(1) This article applies if IBB, in exercise of its functions under the Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009, includes a person (X) in the adults' barred list established and maintained under Article 6(1)(b) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (“the Northern Ireland adults' barred list”).

(2) Subject to paragraph (4) X must be treated for all purposes as if X is included in the list kept under section 81 of the 2000 Act.

(3) Accordingly, a reference in any enactment or subordinate legislation to a person included in that list includes a reference to a person included in the Northern Ireland adults' barred list.

(4) Paragraphs (2) and (3) do not apply for the purposes of—

- (a) section 81(3) or 86 of the 2000 Act;
- (b) article 4 of the Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008.”.

11th February 2009

Delyth Morgan
Parliamentary Under Secretary of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first Order to be made under section 54 of the Safeguarding Vulnerable Groups Act 2006 (“the Act”). That section allows the Secretary of State to make such provision as he thinks necessary or expedient in consequence of, or having regard to, relevant Northern Ireland legislation, which is defined in section 54(4) to include legislation which the Secretary of State thinks corresponds to provision made by or under the Act.

For the purposes of this Order, the relevant Northern Ireland legislation in question is the Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 38) (“the Northern Ireland Transitory Order”), which makes provision similar to that made under the Safeguarding Vulnerable Groups Act 2006 (Transitory Provisions) Order 2009 (S.I. 2009/12) (“the Transitory Provisions Order”).

Article 2 of this Order amends the Transitory Provisions Order to provide that where, in pursuance of its functions under the Northern Ireland Transitory Order, the Independent Barring Board includes a person in the children’s or adults’ barred lists established and maintained under Article 6 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), the effect on that person in England and Wales is as if they were included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14) and were subject to a direction under section 142 of the Education Act 2002 (c. 32) (where they are included in the children’s barred list), or were included in the list kept under section 81 of the Care Standards Act 2000 (c. 14) (where they are included in the adults’ barred list). (The Independent Barring Board is established under section 1 of the Act; that section extends to England, Wales and Northern Ireland.)

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