
STATUTORY INSTRUMENTS

2007 No.1351 (N.I. 11)

NORTHERN IRELAND

**The Safeguarding Vulnerable Groups
(Northern Ireland) Order 2007**

Made - - - - 2nd May 2007

Laid - - - - 9th May 2007

*Coming into operation in accordance with Article
1(2) and (3)*

**THE SAFEGUARDING VULNERABLE
GROUPS (NORTHERN IRELAND) ORDER 2007**

Title and commencement

1. Title and commencement

Interpretation

2. Interpretation
3. Vulnerable adults
4. Family and personal relationships

Barring

5. The Independent Barring Board
6. Barred lists
7. Barred persons
8. Appeals

Regulated activity

9. Regulated activity

Regulated activity providers

10. Regulated activity providers

Restrictions on participating in regulated activity

11. Barred person not to engage in regulated activity

Status: This is the original version (as it was originally made).

12. Person not to engage in regulated activity unless subject to monitoring
13. Use of barred person for regulated activity
14. Use of person not subject to monitoring for regulated activity
15. Regulated activity provider: failure to check
16. Personnel suppliers: failure to check
17. Educational establishments: check on members of governing body
18. Office holders: offences
19. Articles 17 and 18: checks

Exceptions

20. Exception to requirement to make monitoring check
21. HSS employment

Offences: supplementary

22. Offences: companies, etc.
23. Offences: other persons
24. Article 23: exclusions and defences

Controlled activity

25. Controlled activity relating to children
26. Controlled activity relating to vulnerable adults
27. Controlled activity: regulations

Monitoring

28. Monitoring
29. Monitoring fees
30. Ceasing monitoring
31. Prohibition of requirement to produce certain records

Notices and information

32. Provision of vetting information
33. Meaning of relevant information in Article 32
34. Notification of cessation of monitoring
35. Cessation of registration
36. Declarations under Articles 32 and 34
37. Regulated activity providers: duty to refer
38. Personnel suppliers: duty to refer
39. Regulated activity providers: duty to provide information on request etc.
40. Duty to provide information: offences

Education and Library Boards and HSS Bodies

41. Education and Library Boards and HSS Bodies: duty to refer
42. Education and Library Boards and HSS bodies: duty to provide information on request

Professional bodies and supervisory authorities

43. Registers: duty to refer
44. Registers: duty to provide information on request
45. Registers: notice of barring and cessation of monitoring

46. Registers: power to apply for vetting information
47. Supervisory authorities: duty to refer
48. Supervisory authorities: duty to provide information on request
49. Supervisory authorities: power to apply for vetting information
50. Supervisory authorities: notification of barring, etc in respect of children
51. Supervisory authorities: notification of barring, etc. in respect of vulnerable adults
52. Provision of information to supervisory authorities

Miscellaneous

53. Crown application
54. Referrals: findings of fact immaterial
55. Fostering
56. Alignment with rest of UK

General

57. Damages
58. Orders and regulations
59. Transitional provision
60. Amendments and repeals
61. Supplementary, incidental, consequential etc. provision
Signature

SCHEDULES

SCHEDULE 1 — BARRED LISTS
PART I — CHILDREN'S BARRED LIST

Automatic inclusion

1. (1) This paragraph applies to a person if any of...

Inclusion subject to consideration of representations

2. (1) This paragraph applies to a person if any of...

Behaviour

3. (1) This paragraph applies to a person if—
4. (1) For the purposes of paragraph 3 relevant conduct is—...

Risk of harm

5. (1) This paragraph applies to a person if—

Restriction on inclusion

6. (1) IBB must not include a person in the children's...
PART II — ADULTS' BARRED LIST

Automatic inclusion

7. (1) This paragraph applies to a person if any of...

Status: This is the original version (as it was originally made).

Inclusion subject to consideration of representations

8. (1) This paragraph applies to a person if any of...

Behaviour

9. (1) This paragraph applies to a person if—
10. (1) For the purposes of paragraph 9 relevant conduct is—...

Risk of harm

11. (1) This paragraph applies to a person if—

Restriction on inclusion

12. (1) IBB must not include a person in the adults'...
PART III — SUPPLEMENTARY

Procedure

13. (1) IBB must ensure that in respect of any information...
14. When an individual is included in a barred list IBB...
15. (1) The Secretary of State may, by regulations, make provision...

Representations

16. (1) A person who is, by virtue of any provision...
17. (1) This paragraph applies to a person who is included...

Review

18. (1) A person who is included in a barred list...

Information

19. (1) IBB may require— (a) any person who holds records...
20. (1) The Department of Health, Social Services and Public Safety...
21. IBB must provide the Secretary of State with the prescribed...
22. The Secretary of State must inform the Scottish Ministers if...
23. IBB may— (a) at the request of the Secretary of...

Prescribed criteria

24. (1) The criteria which may be prescribed for the purposes...
25. A court by or before which a person is convicted...

SCHEDULE 2 — REGULATED ACTIVITY

PART I — REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

1. (1) An activity is a regulated activity relating to children...

Activities

2. (1) The activities referred to in paragraph 1(1) are—

Establishments

3. (1) The establishments referred to in paragraph 1(2) and (8)...

Positions

4. (1) The persons referred to in paragraph 1(7) are—
5. A person who is part of a group in relation...

Exceptions

6. The Secretary of State may, by order, provide that in...
PART II — REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS
7. (1) Each of the following is a regulated activity relating...
8. (1) The persons referred to in paragraph 7(9) are—
9. The Secretary of State may, by order, provide that in...
PART III — THE PERIOD CONDITION
10. (1) The period condition is satisfied if the person carrying...

SCHEDULE 3 — APPROPRIATE VERIFICATION

PART I — DEFAULT POSITION

1. (1) A regulated activity provider obtains an appropriate verification in...
2. (1) A regulated activity provider obtains an appropriate verification in...
3. (1) This paragraph applies if— (a) a regulated activity provider...
4. (1) This paragraph applies if— (a) a regulated activity provider...

PART II — PRESCRIBED VERIFICATION

5. A regulated activity provider obtains an appropriate verification in accordance...
6. (1) This paragraph applies if— (a) a regulated activity provider...
7. (1) This paragraph applies if— (a) a regulated activity provider...

PART III — PRESCRIBED VERIFICATION

8. A regulated activity provider obtains an appropriate verification in accordance...
9. (1) This paragraph applies if— (a) a regulated activity provider...
10. (1) This paragraph applies if— (a) a regulated activity provider...

PART IV — DEFINITIONS AND POWER TO AMEND

11. In this Schedule “enhanced criminal record certificate” means—
12. For the purposes of this Schedule an enhanced criminal record...
13. For the purposes of this Schedule a regulated activity provider,...
14. The Secretary of State may by order amend the preceding...

SCHEDULE 4 — EMPLOYMENT BUSINESSES: FAILURE TO CHECK

Offences

1. (1) A person (P) who carries on an employment business...
2. (1) In such circumstances as are prescribed, a person (P)...

Defences

3. (1) P does not commit an offence under paragraph 1...

Modified meaning of regulated activity

4. For the purposes of this Schedule, Schedule 2 is modified...

Status: This is the original version (as it was originally made).

Power to amend paragraph 2(1)(c)

5. The Secretary of State may by order amend paragraph 2(1)(c)...

Offence: acting for P etc

6. If the commission of an offence under paragraph 1 or...

SCHEDULE 5 — VETTING INFORMATION

1. This is the table referred to in Articles 32 and...
2. The Secretary of State may by order amend any of...
3. (1) In entries 1 and 5 in the table the...
4. Parental responsibility has the same meaning as in the Children...
5. A regulated activity provider is an independent regulated activity provider...
6. An adult placement scheme is a scheme—

SCHEDULE 6 — TRANSITIONAL PROVISIONS

Advice by IBB

- 1, (1) IBB must provide the Department of Health, Social Services...

Existing restrictions relating to children

2. (1) This paragraph applies to a person who is—

Existing restrictions relating to vulnerable adults

3. (1) This paragraph applies to a person who is included...

Existing restrictions: supplementary

4. An order under paragraph 2 or 3 may—

Modifications relating to monitoring

5. (1) The Secretary of State may by order provide that...

SCHEDULE 7 — AMENDMENTS

The Children (Northern Ireland) Order 1995(NI 2)

1. (1) In Article 109 (persons disqualified from being private fosterer...

The Education and Libraries (Northern Ireland) Order 1986 (NI 3)

2. (1) In Article 70(2)(e) (regulations for prohibiting or restricting employment...

The Police Act 1997 (c. 50)

3. In section 126 after subsection (2) add—

The Data Protection Act 1998 (c. 29)

4. (1) In section 56 (prohibition of requirement as to production...

The Health and Personal Social Services Act (Northern Ireland) 2001(c. 3)

5. In section 5 after subsection (3) add—

SCHEDULE 8 — REPEALS

Explanatory Note