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STATUTORY INSTRUMENTS

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**2003 No. 417**

**The Protection of Children and Vulnerable  
Adults (Northern Ireland) Order 2003**

**PART II**

**PROTECTION OF CHILDREN**

**CHAPTER II**

**DISQUALIFICATION FROM WORKING WITH CHILDREN**

*Disqualification orders*

**Conditions for applications under Article 27**

**28**

**28.**—<sup>F1</sup>(1) An individual may only make an application under Article 27 with the leave of the Tribunal.

(2) An application for leave under this Article may not be made unless the appropriate conditions are satisfied in the individual's case.

(3) In the case of an individual who was under the age of 18 when he committed the offence against a child, the appropriate conditions are satisfied if—

- (a) at least five years have elapsed since the relevant date, and
- (b) in the period of five years ending with the time when he makes the application under this Article, he has made no other such application.

(4) In the case of any other individual, the appropriate conditions are satisfied if—

- (a) at least ten years have elapsed since the relevant date, and
- (b) in the period of ten years ending with the time when he makes the application under this Article, he has made no other such application.

(5) The Tribunal may not grant an application under this Article unless it considers—

- (a) that the individual's circumstances have changed since the order was made or, as the case may be, since he last made an application under this Article, and
- (b) that the change is such that leave should be granted.

(6) In this Article, “the relevant date” means—

- (a) in relation to an individual whose sentence is an actual term of custody, the day on which he is released or, if later, the day on which the disqualification order is made,
- (b) in relation to an individual whose sentence is suspended and does not take effect, the day on which the disqualification order is made,
- (c) in relation to an individual whose sentence is an order for admission to hospital—

- (i) if he is detained in a hospital pursuant to the order, the day on which he ceases to be liable to be detained there, or
  - (ii) if he is not so detained, the day on which the disqualification order is made,
  - (d) in relation to an individual whose sentence is a guardianship order within the meaning of the Mental Health (Northern Ireland) Order 1986 (NI 4), the day on which the disqualification order is made.
- (7) In this Article—
- “actual term of custody” means a term of imprisonment or detention which is not suspended, or is suspended but takes effect,
- “order for admission to hospital” means—
- (a) an order that the individual be admitted to hospital, or
  - (b) a hospital order within the meaning of the Mental Health (Northern Ireland) Order 1986.
- (8) In paragraph (7) “detention” means detention under any sentence or order mentioned in paragraph (b) or (c) of the definition of “qualifying sentence” in Article 25(1).]

**F1** Arts. 1-2, 22-34 repealed (12.10.2009 for specified purposes, 7.4.2010 for specified purposes, otherwise prosp.) by [Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007 \(S.I. 2007/1351 \(N.I. 11\)\)](#), arts. 1(3), 60(2), **Sch. 8** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 4** (with arts. 5, 6, 7 (as amended by S.R. 2010/145, arts. 6, 7, 8)); S.R. 2010/145, **art. 3**

**Changes to legislation:**

There are currently no known outstanding effects for the The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, Section 28.