
STATUTORY INSTRUMENTS

2007 No. 1351

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

Interpretation

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2.—(1) Subject to Article 22(1), the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“the 1972 Order” means the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(NI 14\)](#);

“the 2003 Order” means the [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(NI 9\)](#);

“the adults' barred list” must be construed in accordance with Article 6(1)(b);

“barred list” means the children's barred list or the adults' barred list;

“child” means a person who has not attained the age of 18;

“the Children Order” means the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#);

“the children's barred list” must be construed in accordance with Article 6(1)(a);

“employment agency” and “employment business” must be construed in accordance with Part II of the [Employment \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1981 \(NI 20\)](#);

“HSS body” means any of the following within the meaning of the 1972 Order—

- (a) a Health and Social Services Board,
- (b) a Health and Social Services trust;
- (c) a special health and social services agency;

“IBB” must be construed in accordance with Article 5;

“institution of further education” has the same meaning as in the [Further Education \(Northern Ireland\) Order 1997 \(NI 15\)](#);

“personal social services” has the same meaning as in the 1972 Order;

“personnel supplier” means—

- (a) a person carrying on an employment agency or an employment business, or
- (b) an educational institution which supplies to another person a student who is following a course at the institution, for the purpose of enabling the student to obtain experience of engaging in regulated or controlled activity;

“prescribed” means prescribed by regulations made by the Secretary of State;

“the Regulation and Improvement Authority” means the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority;

“statutory provision” must be construed in accordance with section 1(f) of the [Interpretation Act \(Northern Ireland\) 1954 \(c.33\)](#);

“supervisory authority” must be construed in accordance with Article 47(7);

“vulnerable adult” must be construed in accordance with Article 3.

(2) A reference (however expressed) to a person being barred must be construed in accordance with Article 7.

(3) A reference to a person being subject to monitoring in relation to a regulated activity must be construed in accordance with Article 28.

(4) Nothing in this Order affects any power to provide information which exists apart from this Order.

Vulnerable adults

3.—(1) A person is a vulnerable adult if he has attained the age of 18 and—

- (a) he is in residential accommodation,
- (b) he is in sheltered housing,
- (c) he receives domiciliary care,
- (d) he receives any form of health care,
- (e) he is detained in lawful custody,
- (f) he is by virtue of an order of a court under supervision by a probation officer,
- (g) he receives a welfare service of a prescribed description,
- (h) he receives any service or participates in any activity provided specifically for persons who fall within paragraph (9),
- (i) payments are made to him (or to another on his behalf) in pursuance of arrangements under section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (c. 6), or
- (j) he requires assistance in the conduct of his own affairs.

(2) Residential accommodation is accommodation provided for a person—

- (a) in connection with any care or nursing he requires, or
- (b) who is or has been a pupil attending a residential special school.

(3) A residential special school is a school which provides residential accommodation for its pupils and which is—

- (a) a special school within the meaning of Article 3(5) of the [Education \(Northern Ireland\) Order 1996 \(NI 1\)](#);
- (b) an independent school which is approved by the Department of Education in accordance with Article 26 of that Order; or
- (c) an institution of further education which provides accommodation for children.

(4) Domiciliary care is care of any description or assistance falling within paragraph (5) whether provided continuously or not which a person receives in a place where he is, for the time being, living.

(5) Assistance falls within this paragraph if it is (to any extent) provided to a person by reason of—

- (a) his age;
- (b) his health;
- (c) any disability he has.

- (6) Health care includes treatment, therapy or palliative care of any description.
- (7) A person is in lawful custody if he is—
 - (a) detained in a prison, remand centre or young offenders centre;
 - (b) a detained person (within the meaning of Part 8 of the Immigration and Asylum Act 1999 (c. 33)) who is detained in a removal centre or short-term holding facility (within the meaning of that Part) or in pursuance of escort arrangements made under section 156 of that Act.
- (8) The reference to a welfare service must be construed in accordance with Article 20(5).
- (9) A person falls within this paragraph if—
 - (a) he has particular needs because of his age;
 - (b) he has any form of disability;
 - (c) he has a physical or mental problem of such description as is prescribed;
 - (d) she is an expectant or nursing mother in receipt of care under Article 8 of the 1972 Order;
 - (e) he is a person of a prescribed description not falling within sub-paragraphs (a) to (d).
- (10) A person requires assistance in the conduct of his own affairs if—
 - (a) an enduring power of attorney (within the meaning of the Enduring Powers of Attorney (Northern Ireland) Order 1987 (NI 16) in respect of him is registered in accordance with that Order or an application is made under that Order for the registration of an enduring power of attorney in respect of him;
 - (b) an order under Article 99 or 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4) has been made by the High Court in relation to him or his property or affairs, or such an order has been applied for;
 - (c) a representative is or is to be appointed to receive payments on his behalf in pursuance of regulations made under the Social Security Administration (Northern Ireland) Act 1992 (c. 8).
- (11) The Secretary of State may by order provide that a person specified in the order or of a description so specified who falls within paragraph (1) is not to be treated as a vulnerable adult.

Family and personal relationships

- 4.—**(1) This Order does not apply to any activity which is carried out in the course of a family relationship.
- (2) This Order does not apply to any activity which is carried out—
 - (a) in the course of a personal relationship, and
 - (b) for no commercial consideration.
 - (3) A family relationship includes a relationship between two persons who—
 - (a) live in the same household, and
 - (b) treat each other as though they were members of the same family.
 - (4) A personal relationship is a relationship between or among friends.
 - (5) A friend of a person (A) includes a person who is a friend of a member of A's family.
 - (6) The Secretary of State may by order provide that an activity carried out in specified circumstances either is or is not—
 - (a) carried out in the course of a family relationship;
 - (b) carried out in the course of a personal relationship.