

SCHEDULES

^{F1}SCHEDULE 2

REGULATED ACTIVITY

Textual Amendments

- F1** Sch. 2 para. 7(1)-(3E) substituted for Sch. 2 para. 7(1)-(3) (10.8.2012 for specified purposes, 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 3\(2\)](#); S.I. 2012/2075, art. 2(b); S.I. 2012/2234, art. 2(z)(i)

PART I

REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

- 1.—(1) An activity is a regulated activity relating to children if—
- (a) it is mentioned in paragraph 2(1), and
 - (b) ^{F1}except in the case of activities falling within sub-paragraph (1A),] it is carried out frequently by the same person or the period condition is satisfied.
- ^{F2}(1A) The following activities fall within this sub-paragraph—
- (a) relevant personal care, and
 - (b) health care provided by, or under the direction or supervision of, a health care professional.
- (1B) In this Part of this Schedule “relevant personal care” means—
- (a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),
 - (b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—
 - (i) toileting (including in relation to the process of menstruation),
 - (ii) washing or bathing, or
 - (iii) dressing,
 - (c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
 - (d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed

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in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,

- (e) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of the activity of eating or drinking,
 - (ii) is given to a child who is in need of it by reason of illness or disability, and
 - (iii) does not fall within paragraph (c), or
- (f) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),
 - (ii) is given to a child who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (d).

(1C) In this Part of this Schedule —

“health care” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.]

(2) An activity is a regulated activity relating to children if—

- (a) it is carried out frequently by the same person or the period condition is satisfied,
- (b) it is carried out in an establishment mentioned in paragraph 3(1),
- (c) it is carried out by a person while engaging in [^{F3}any work falling within sub-paragraph (2A) or (2B)] ,
- (d) it is carried out for or in connection with the purposes of the establishment, and
- (e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.

[^{F4}(2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—

- (a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and
- (b) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)).

(2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—

- (a) any such work which—
 - (i) is carried out on a temporary or occasional basis, and
 - (ii) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)), or
- (b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

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(2C) The reference in sub-paragraph (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.]

(3) Each of the following is a regulated activity relating to children—

- (a) acting as a child minder on domestic premises;
- (b) providing day care.

(4) Any expression used both in sub-paragraph (3) and in Part XI of the Children Order has the meaning given by that Order.

(5) It is a regulated activity relating to children to foster a child (as mentioned in Article 55).

(6) The exercise of a function of a [^{F5}children’s court guardian] appointed under Article 60 of the Children Order is a regulated activity relating to children.

[^{F6}(6A) The exercise of a function of a controller appointed in respect of a child under Article 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4) is a regulated activity relating to children.]

^{F7}(7)

[^{F8}(7A) The exercise of a function under Article 130 of the Children (Northern Ireland) Order 1995, so far as it gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children is a regulated activity relating to children.]

(8) The exercise of a function of any of the following so far as it [^{F9}gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children] is a regulated activity relating to children—

- (a) an inspector appointed under Article 102 of the Education and Libraries (Northern Ireland) Order 1986;
- (b) the Chief Inspector of Criminal Justice in Northern Ireland;
- (c) [^{F10}RQIA].

(9) ^{F11}

(10) ^{F12}

(11) ^{F13}

(12) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), (6), [^{F14}(7A) or (8)] is a regulated activity relating to children.

[^{F15}(13) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph (2B) (b) above is a regulated activity relating to children.]

Textual Amendments

F1 Words in Sch. 2 para. 1(1)(b) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 1\(2\)](#); S.I. 2012/2234, art. 2(z)(i)

F2 Sch. 2 para. 1(1A)-(1D) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 1\(3\)](#); S.I. 2012/2234, art. 2(z)(i)

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- F3** Words in Sch. 2 para. 1(2)(c) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 1(4)**; S.I. 2012/2234, art. 2(z)(i)
- F4** Sch. 2 para. 1(2A)-(2C) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 1(5)**; S.I. 2012/2234, art. 2(z)(i)
- F5** Words in Sch. 2 para. 1(6) substituted (13.2.2023) by Adoption and Children Act (Northern Ireland) 2022 (c. 18), **ss. 137(4)(b)**, 160(1); S.R. 2023/12, art. 2
- F6** Sch. 2 para. 1(6A) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 1(6)(a)**; S.I. 2012/2234, art. 2(z)(i)
- F7** Sch. 2 para. 1(7) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 1(6)(b)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i), (bb)
- F8** Sch. 2 para. 1(7A) inserted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 4(2)**
- F9** Words in Sch. 2 para. 1(8) substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 4(3)**
- F10** Words in Sch. 2 para. 1(8)(c) substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 15(2)**
- F11** Sch. 2 para. 1(9) omitted (1.4.2010) by virtue of Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 4(4)**
- F12** Sch. 2 para. 1(10) omitted (1.4.2010) by virtue of Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 4(5)**
- F13** Sch. 2 para. 1(11) omitted (1.4.2010) by virtue of Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 4(6)**
- F14** Words in Sch. 2 para. 1(12) substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 4(7)**
- F15** Sch. 2 para. 1(13) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 1(6)(c)**; S.I. 2012/2234, art. 2(z)(i)

Commencement Information

- I1** Sch. 2 para. 1 wholly in operation; Sch. 2 para. 1 not in operation at date of making see art. 1(3); Sch. 2 para. 1 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(c)**; Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(b)**

Activities

- 2.—(1) The activities referred to in paragraph 1(1) are—
- (a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;

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- (b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;
 - (c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;
 - ^{F16}(d)
 - (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
 - (f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.
- (2) Sub-paragraph (1)(a), (b), [^{F17}and (c)] do not include—
- (a) teaching, training or instruction provided to a child in the course of his employment;
 - (b) care for or supervision of a child in the course of his employment;
 - (c) advice or guidance provided for a child in the course of his employment;
 - ^{F18}(d)
- (3) Sub-paragraph (2) does not apply if—
- (a) the child has not attained the age of 16, and
 - (b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- [^{F19}(3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
- (3B) Sub-paragraph (1)(b)—
- (a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and
 - (b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.
- (3C) The references in sub-paragraphs (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.
- (3D) Sub-paragraph (1)(c) does not include any legal advice.]
- (4) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to—
- (a) monitoring the content of matter which forms any part of the service,
 - (b) removing matter from, or preventing the addition of matter to, the service, or
 - (c) controlling access to, or use of, the service.
- (5) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has—
- (a) access to the content of the matter;
 - (b) contact with users of the service.
- (6) In sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so.

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Textual Amendments

- F16** Sch. 2 para. 2(1)(d) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 1\(7\)\(a\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)
- F17** Words in Sch. 2 para. 2(2) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 1\(7\)\(b\)\(i\)](#); S.I. 2012/2234, art. 2(z)(i)
- F18** Sch. 2 para. 2(2)(d) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 1\(7\)\(b\)\(ii\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)
- F19** Sch. 2 para. 2(3A)-(3D) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 1\(7\)\(c\)](#); S.I. 2012/2234, art. 2(z)(i)

Commencement Information

- I2** Sch. 2 para. 2 wholly in operation; Sch. 2 para. 2 not in operation at date of making see art. 1(3); Sch. 2 para. 2 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(c\)](#); Sch. 2 para. 2(1)(f) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(w\)](#); Sch. 2 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(b\)](#)

Establishments

- 3.—(1) The establishments referred to in paragraph 1(2)^{F20} . . . are—
- (a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
 - (b) a nursery school within the meaning of the Education and Libraries (Northern Ireland) Order 1986 (NI 3);
- [^{F21}(bb) premises which are used for the provision of education by [^{F22}the Education Authority] or on its behalf, which do not fall within paragraph (a) or (b);]
- (c) a hospital which is exclusively or mainly for the reception and treatment of children;
 - (d) an institution which is exclusively or mainly for the detention of children;
 - (e) a children's home (within the meaning of Article 9 of the 2003 Order);
 - (f) relevant childcare premises.
- (2) Relevant childcare premises are any part of premises on which a person acts as child minder or provides day care in respect of which he must be registered under Article 118 of the Children Order.
- [^{F23}(3) But premises on which a person acts as child minder or provides day care are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the day care or child minding is provided.
- (4) For the purposes of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.
- (5) “Parental responsibility” has the same meaning as in the Children Order.]

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Textual Amendments

- F20** Words in Sch. 2 para. 3(1) omitted (1.4.2010) by virtue of [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\)](#), [art. 5\(a\)](#)
- F21** Sch. 2 para. 3(1)(bb) inserted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\)](#), [art. 5\(b\)](#)
- F22** Words in Sch. 2 para. 3(1)(bb) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 26\(3\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, [art. 2\(b\)](#)
- F23** Sch. 2 para. 3(3)-(5) inserted (12.10.2009) by [Safeguarding Vulnerable Groups \(Regulated Activity, Transitional Provisions and Commencement No. 4\) Order \(Northern Ireland\) 2009 \(S.R. 2009/304\)](#), [art. 23\(2\)](#)

Commencement Information

- I3** Sch. 2 para. 3 wholly in operation; Sch. 2 para. 3 not in operation at date of making see [art. 1\(3\)](#); Sch. 2 para. 3 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(c\)](#); Sch. 2 in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(b\)](#)

Positions

F24 4.

Textual Amendments

- F24** Sch. 2 para. 4 repealed (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 7 para. 1\(8\)](#), [Sch. 10 Pt. 5](#); S.I. 2012/2234, [art. 2\(z\)\(i\) \(bb\)](#)

Commencement Information

- I4** Sch. 2 para. 4 wholly in operation; Sch. 2 para. 4 not in operation at date of making see [art. 1\(3\)](#); Sch. 2 para. 4 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(c\)](#); Sch. 2 in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(b\)](#)

5. A person who is part of a group in relation to which another (P) engages in regulated activity relating to children does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this paragraph, would amount to engaging in regulated activity relating to children.

Commencement Information

- I5** Sch. 2 para. 5 wholly in operation; Sch. 2 para. 5 not in operation at date of making see [art. 1\(3\)](#); Sch. 2 para. 5 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(c\)](#); Sch. 2 in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(b\)](#)

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[^{F25}Guidance

Textual Amendments

F25 Sch. 2 para. 5A and preceding cross-heading inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 14\(6\)](#); S.I. 2012/2234, art. 2(z)(vii)

5A.—(1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.

(2) The Secretary of State must publish guidance given under this paragraph.

(3) A regulated activity provider or a personnel supplier must, in exercising any functions under this Order, have regard to guidance for the time being given under this paragraph.]

Exceptions

6. The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to children is not to be treated as a regulated activity.

Commencement Information

I6 Sch. 2 para. 6 wholly in operation; Sch. 2 para. 6 not in operation at date of making see art. 1(3); Sch. 2 para. 6 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(c\)](#); Sch. 2 para. 6 in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 5\(o\)](#); Sch. 2 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 5A inserted by [2012 c. 9 Sch. 7 para. 11\(1\)](#)
- Sch. 1 para. 11A inserted by [2012 c. 9 Sch. 7 para. 11\(3\)](#)
- art. 32A32B substituted for art. 32-34 by [2012 c. 9 Sch. 7 para. 9\(1\)](#)
- art. 35(3A)-(3D) inserted by [2012 c. 9 Sch. 7 para. 9\(2\)\(c\)](#)
- art. 36ZA inserted by [2012 c. 9 Sch. 7 para. 10](#)
- art. 50(2A) inserted by [2012 c. 9 Sch. 7 para. 13\(3\)\(c\)](#)
- art. 50(5)(b) and word inserted by [2012 c. 9 Sch. 7 para. 13\(3\)\(f\)](#)
- art. 51(2A) inserted by [2012 c. 9 Sch. 7 para. 13\(4\)\(c\)](#)
- art. 51(5)(b) and word inserted by [2012 c. 9 Sch. 7 para. 13\(4\)\(f\)](#)