
EXPLANATORY NOTE

(This note is not part of the Regulations)

This is the third Commencement Order made under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (“the Order”).

Article 3 brings into operation Article 6 of the Order for the purposes of the Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009 (“the Transitory Order”), as well as related provisions in Schedule 1 to the Order, which makes provision relating to barring. These provisions relate to the maintenance of a children’s barred list and an adults’ barred list and the process by which a person may be included in, or removed from, either list.

Article 3 also brings Article 9 and Schedule 2 into operation in full, providing the definition of regulated activity for the purposes of the Order, as well as bringing into operation Article 55, which defines, and makes provision relating to, fostering (once Article 7 of the Order is in operation, a person who is included in one of the barred lists will be barred from engaging in the regulated activity to which the list relates; by virtue of paragraph 1(5) of Schedule 2, fostering is regulated activity relating to children).

In addition, Article 3 brings into operation Articles 39, 42, 44 and 48 of the Order, which impose duties on various persons to provide information to the Independent Barring Board (“IBB”) at the IBB’s request (the IBB is established under section 1 of the Safeguarding Vulnerable Groups Act 2006), together with Article 57, which makes provision relating to damages where a person has suffered loss or damage in consequence of an individual being included in a barred list, or of the provision of information in pursuance of duties including those mentioned above.