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## SCHEDULES

### SCHEDULE 7

#### SAFEGUARDING OF VULNERABLE GROUPS: NORTHERN IRELAND

##### *Professional bodies*

- 12 (1) In Article 43 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (registers: duty to refer)—
- (a) in paragraph (1)—
    - (i) for “must” substitute “ may ”, and
    - (ii) omit “prescribed”,
  - (b) in paragraph (4)—
    - (i) in sub-paragraph (a), for “engaged or may engage” substitute “ or has been, or might in future be, engaged ”,
    - (ii) also in sub-paragraph (a), omit “or controlled activity”, and
    - (iii) in sub-paragraph (b) for “, 2, 7 or 8” substitute “ or 7 ”,
  - (c) omit paragraphs (4A) to (4C),
  - (d) in paragraph (5) omit “prescribed”, and
  - (e) in the heading for “duty” substitute “ power ”.
- (2) In Article 45 of that Order (registers: notice of barring etc.) for paragraphs (1) to (5) substitute—
- “(1) Paragraph (2) applies if—
- (a) ISA knows or thinks that a person (A) appears on a relevant register, and
  - (b) either—
    - (i) A is included in a barred list, or
    - (ii) ISA is aware that A is subject to a relevant disqualification.
- (2) ISA must—
- (a) notify the keeper of the register of the circumstances mentioned in paragraph (1)(b)(i) or (as the case may be) (ii), and
  - (b) in the case where A is included in a barred list, provide the keeper of the register with such of the information on which ISA relied in including A in the list as ISA considers—
    - (i) to be relevant to the exercise of any function of the keeper, and
    - (ii) otherwise appropriate to provide.
- (3) Paragraph (4) applies if the keeper of a relevant register applies to ISA to ascertain in relation to a person (A) whether—
- (a) A is included in a barred list, or
  - (b) ISA is aware that A is subject to a relevant disqualification.

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- (4) ISA must notify the keeper of the register as to whether the circumstances are as mentioned in paragraph (3)(a) or (as the case may be) (b).
- (5) ISA may (whether on an application by the keeper or otherwise) provide to the keeper of a relevant register such relevant information as ISA considers appropriate.
- (5A) Paragraph (5B) applies if—
- (a) a keeper of a register has applied to the Secretary of State to be notified in relation to a person (A) if—
    - (i) A is included in a barred list, or
    - (ii) the Secretary of State is aware that A is subject to a relevant disqualification, and
  - (b) the application has not been withdrawn.
- (5B) The Secretary of State must notify the keeper of the register if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii).
- (5C) For the purposes of paragraph (5A)(b) an application is withdrawn if—
- (a) the keeper of the register notifies the Secretary of State that the keeper no longer wishes to be notified if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii) in relation to A, or
  - (b) the Secretary of State cancels the application on either of the following grounds—
    - (i) that the keeper has not answered, within such reasonable period as was required by the Secretary of State, a request from the Secretary of State as to whether the keeper still wishes to be notified if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii), or
    - (ii) that A neither appears in the register nor is being considered for inclusion in the register.
- (5D) A keeper of a relevant register may apply for information under this Article, or to be notified under this Article, in relation to a person (A) only if—
- (a) A appears in the register, or
  - (b) A is being considered for inclusion in the register.
- (5E) The duties in paragraphs (2), (4) and (5B) do not apply if ISA or (as the case may be) the Secretary of State is satisfied that the keeper of the register already has the information concerned.
- (5F) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article.
- (5G) In this Article relevant information is information—
- (a) which—
    - (i) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
    - (ii) is relevant to the exercise of any function of the keeper of the register, but

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- (b) which is not—
- (i) information that the circumstances are as mentioned in paragraph (1)(b)(i) or (ii) in relation to a person,
  - (ii) any information provided under paragraph (2)(b), or
  - (iii) information falling within paragraph 19(5) of Schedule 1.

(5H) The Secretary of State may by order amend paragraph (5G).”

(3) In the heading of Article 45 of that Order for “notice of barring and cessation of monitoring” substitute “ provision of barring information to keepers of registers ”.

(4) Omit Article 46 of that Order (registers: power to apply for vetting information).

#### Commencement Information

- I1** Sch. 7 para. 12(1) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(iii\)](#)
- I2** Sch. 7 para. 12(2) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes by [S.I. 2012/2234](#), [art. 2\(z\)\(iv\)](#)
- I3** Sch. 7 para. 12(3)(4) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(v\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

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

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

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)