
Changes to legislation: Protection of Freedoms Act 2012, Paragraph 4 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

SAFEGUARDING OF VULNERABLE GROUPS: NORTHERN IRELAND

Alteration of test for barring decisions

- 4 (1) For sub-paragraphs (2) and (3) of paragraph 1 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (automatic inclusion of person to whom paragraph applies in children's barred list) substitute—
- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
- (3) If (whether or not on a reference under sub-paragraph (2)) ISA is satisfied that this paragraph applies to a person, it must include the person in the children's barred list.”
- (2) For sub-paragraphs (2) to (4) of paragraph 2 of that Schedule to that Order (inclusion of person to whom paragraph applies in children's barred list with right to make representation afterwards) substitute—
- “(2) If the Secretary of State has reason to believe that—
- (a) this paragraph might apply to a person, and
- (b) the person is or has been, or might in future be, engaged in regulated activity relating to children,
- the Secretary of State must refer the matter to ISA.
- (3) Sub-paragraph (4) applies if (whether or not on a reference under sub-paragraph (2)) it appears to ISA that—
- (a) this paragraph applies to a person, and
- (b) the person is or has been, or might in future be, engaged in regulated activity relating to children.
- (4) ISA must give the person the opportunity to make representations as to why the person should not be included in the children's barred list.
- (5) Sub-paragraph (6) applies if—
- (a) the person does not make representations before the end of any time prescribed for the purpose, or
- (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).
- (6) If ISA—
- (a) is satisfied that this paragraph applies to the person, and
- (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,
- it must include the person in the list.

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- (7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.
- (8) If ISA—
- (a) is satisfied that this paragraph applies to the person,
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children, and
 - (c) is satisfied that it is appropriate to include the person in the children's barred list,
- it must include the person in the list.”
- (3) In paragraph 3 of that Schedule to that Order (inclusion in children's barred list on behaviour grounds)—
- (a) in sub-paragraph (1)(a) for the words from “has” to “conduct,” substitute “—
 - (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,”
 - (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
 - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,” and
 - (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.
- (4) In paragraph 5 of that Schedule to that Order (inclusion in children's barred list because of risk of harm)—
- (a) in sub-paragraph (1)(a) for “falls within sub-paragraph (4)” substitute “—
 - (i) falls within sub-paragraph (4), and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,”
 - (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
 - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,” and
 - (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.
- (5) For sub-paragraphs (2) and (3) of paragraph 7 of that Schedule to that Order (automatic inclusion of person to whom paragraph applies in adults' barred list) substitute—
- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
- (3) If (whether or not on a reference under sub-paragraph (2)) ISA is satisfied that this paragraph applies to a person, it must include the person in the adults' barred list.”
- (6) For sub-paragraphs (2) to (4) of paragraph 8 of that Schedule to that Order (inclusion of person to whom paragraph applies in adults' barred list with right to make representation afterwards) substitute—

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- “(2) If the Secretary of State has reason to believe that—
- (a) this paragraph might apply to a person, and
 - (b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,
- the Secretary of State must refer the matter to ISA.
- (3) Sub-paragraph (4) applies if (whether or not on a reference under sub-paragraph (2)) it appears to ISA that—
- (a) this paragraph applies to a person, and
 - (b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults.
- (4) ISA must give the person the opportunity to make representations as to why the person should not be included in the adults' barred list.
- (5) Sub-paragraph (6) applies if—
- (a) the person does not make representations before the end of any time prescribed for the purpose, or
 - (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).
- (6) If ISA—
- (a) is satisfied that this paragraph applies to the person, and
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,
- it must include the person in the list.
- (7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.
- (8) If ISA—
- (a) is satisfied that this paragraph applies to the person,
 - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults, and
 - (c) is satisfied that it is appropriate to include the person in the adults' barred list,
- it must include the person in the list.”
- (7) In paragraph 9 of that Schedule to that Order (inclusion in adults' barred list on behaviour grounds)—
- (a) in sub-paragraph (1)(a) for the words from “has” to “conduct,” substitute “—
 - (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,”
 - (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
 - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,” and

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- (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.
- (8) In paragraph 11 of that Schedule to that Order (inclusion in adults' barred list because of risk of harm)—
- (a) in sub-paragraph (1)(a) for “falls within sub-paragraph (4)” substitute “—
 - (i) falls within sub-paragraph (4), and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,”
 - (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
 - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,” and
 - (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.

Commencement Information

- II** [Sch. 7 para. 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\(z\)\(i\)](#) (with [arts. 6-16](#)) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

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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](#)