
Changes to legislation: Protection of Freedoms Act 2012, Paragraph 9 is up to date with all changes known to be in force on or before 19 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

Information about barring decisions

- 9 (1) For Articles 32 to 34 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (provision of vetting information and information about cessation of monitoring) substitute—

Provision of barring information on request

“32A(1) The Secretary of State must provide a person (A) with the information mentioned in paragraph (3) in relation to another (B) if—

- (a) A makes an application for the information and pays any fee payable in respect of the application,
 - (b) the application contains the appropriate declaration, and
 - (c) the Secretary of State has no reason to believe that the declaration is false.
- (2) The appropriate declaration is a declaration by A—
- (a) that A falls within column 1 of the table in Schedule 5 in relation to B,
 - (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
 - (c) that B has consented to the provision of the information to A.
- (3) The information is—
- (a) if A's declaration states that column 2 of the relevant entry refers to children, whether B is barred from regulated activity relating to children, and
 - (b) if A's declaration states that column 2 of the relevant entry refers to vulnerable adults, whether B is barred from regulated activity relating to vulnerable adults.
- (4) If B consents to the provision of information to A in relation to an application under this Article, the consent also has effect in relation to any subsequent such application by A.
- (5) The Secretary of State may prescribe any fee payable in respect of an application under this Article.
- (6) Fees received by the Secretary of State by virtue of this Article must be paid into the Consolidated Fund of the United Kingdom.

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- (7) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article (including the form and manner of a declaration contained in such an application).

Provision of barring information on registration

32B (1) The Secretary of State must establish and maintain a register for the purposes of this Article.

- (2) The Secretary of State must register a person (A) in relation to another (B) if—

- (a) A makes an application to be registered in relation to B and pays any fee payable in respect of the application,
- (b) the application contains the appropriate declaration, and
- (c) the Secretary of State has no reason to believe that the declaration is false.

- (3) The appropriate declaration is a declaration by A—

- (a) that A falls within column 1 of the table in Schedule 5 in relation to B,
- (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
- (c) that B has consented to the application.

- (4) A's application and registration relate—

- (a) if A's declaration states that column 2 of the relevant entry refers to children, to regulated activity relating to children;
- (b) if A's declaration states that column 2 of the relevant entry refers to vulnerable adults, to regulated activity relating to vulnerable adults.

- (5) The Secretary of State must notify A if B is barred from regulated activity to which A's registration relates.

- (6) The requirement under paragraph (5) is satisfied if notification is sent to any address recorded against A's name in the register.

- (7) If B consents to the provision of information to A under Article 32A, the consent also has effect as consent to any application by A to be registered in relation to B under this Article.

- (8) The Secretary of State may prescribe any fee payable in respect of an application under this Article.

- (9) Fees received by the Secretary of State by virtue of this Article must be paid into the Consolidated Fund of the United Kingdom.

- (10) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article (including the form and manner of a declaration contained in such an application).”

- (2) In Article 35 of that Order (cessation of registration)—

- (a) in paragraph (1) for “34” substitute “ 32B ”,
- (b) in paragraph (2) for “(6)” substitute “ (5) ”, and
- (c) after paragraph (3) insert—

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“(3A) Circumstances prescribed by virtue of paragraph (3) may, in particular, include that—

- (a) the Secretary of State has asked the registered person (A) to make a renewed declaration within the prescribed period in relation to the person (B) in relation to whom A is registered, and
- (b) either—
 - (i) A has failed to make the declaration within that period, or
 - (ii) A has made the declaration within that period but the Secretary of State has reason to believe that it is false.

(3B) A renewed declaration is a declaration by A—

- (a) that A falls within column 1 of the table in Schedule 5 in relation to B,
- (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
- (c) that B consents to the registration of A in relation to B.

(3C) If B consents to the provision of information to A under Article 32A, the consent also has effect as consent to the registration of A in relation to B.

(3D) Article 36 applies in relation to the making of a declaration in response to a request from the Secretary of State of the kind mentioned in paragraph (3A)(a) as it applies in relation to the making of a declaration in an application made for the purposes of Article 32B.”

- (3) In Article 36 of that Order (declarations under Articles 32 and 34)—
 - (a) in the heading for “32 and 34” substitute “ 32A and 32B ”, and
 - (b) in paragraph (1) for “32 or 34” substitute “ 32A or 32B ”.
- (4) Omit entry 19 in the table in paragraph 1 of Schedule 5 to that Order (power to add entries to the table).
- (5) In paragraph 2 of Schedule 5 to that Order (power to amend entries in the table) for the words from “any” to the end substitute “ this Schedule ”.
- (6) Omit paragraph 3(1)(b) of Schedule 5 to that Order (barring information where certain activities carried on for the purposes of the armed forces of the Crown) and the word “or” before it.

Commencement Information

- II [Sch. 7 para. 9\(4\)-\(6\)](#) 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\(z\)\(ii\)](#)

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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](#)