SCHEDULES

SCHEDULE 1

BARRED LISTS

PART I

CHILDREN'S BARRED LIST

Behaviour

3.—(1) This paragraph applies to a person if—

(a) it appears to IBB that the person has (at any time) engaged in relevant conduct, and

(b) IBB proposes to include him in the children's barred list.

(2) IBB must give the person the opportunity to make representations as to why he should not be included in the children's barred list.

(3) IBB must include the person in the children's barred list if—

(a) it is satisfied that the person has engaged in relevant conduct, and

(b) it appears to IBB that it is appropriate to include the person in the list.

(4) This paragraph does not apply to a person if the relevant conduct consists only of an offence committed against a child before the commencement of Article 6 and the court, having considered whether to make a disqualification order, decided not to.

(5) In sub-paragraph (4)—

(a) the reference to an offence committed against a child must be construed in accordance with Chapter II of Part II of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;

(b) a disqualification order is an order under Article 23 or 24 of that Order.

4.—(1) For the purposes of paragraph 3 relevant conduct is—

(a) conduct which endangers a child or is likely to endanger a child;

(b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;

(c) conduct involving sexual material relating to children (including possession of such material);

(d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to IBB that the conduct is inappropriate;

(e) conduct of a sexual nature involving a child, if it appears to IBB that the conduct is inappropriate.

(2) A person's conduct endangers a child if he—

(a) harms a child,

(b) causes a child to be harmed,

(c) puts a child at risk of harm,

(d) attempts to harm a child, or

(e) incites another to harm a child.

(3) "Sexual material relating to children" means—

(a) indecent images of children, or

(b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.

(4) "Image" means an image produced by any means, whether of a real or imaginary subject.

(5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.

(6) For the purposes of sub-paragraph (1)(d) and (e), IBB must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.