SCHEDULES

SCHEDULE 1

BARRED LISTS

Modifications etc. (not altering text)

C1 Sch. 1 modified (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 10** (with art. 5)

C1 Sch. 1 modified (13.3.2009) by Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009 (S.R. 2009/38), **art. 6**

C1 Sch. 1 revocation of earlier affecting provision S.R. 2009/304, arts. 5, 10 (10.9.2012) by The Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order (Northern Ireland) 2012 (S.R. 2012/320), arts. 1, **4**

PART I

CHILDREN'S BARRED LIST

Automatic inclusion

1.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[[F1](2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the children's barred list.**]**

Textual Amendments

F1 Sch. 1 para. 1(2) substituted for Sch. 1 para. 1(2)(3) (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **64** (with Pt. 4)

Commencement Information

I1 Sch. 1 para. 1 wholly in operation; Sch. 1 para. 1 not in operation at date of making see art. 1(3); Sch. 1 para. 1(1) in operation for certain purposes at 14.3.2008 by S.R. 2008/127, **art. 3(e)**; Sch. 1 para. 1 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 1 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

Inclusion subject to consideration of representations

2.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[[F2F3]**[**(2) Sub-paragraph (4) applies if it appears to DBS 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) **[**[F4]DBS**]** 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 **[**[F4]DBS**]** —

(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.

(7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.

(8) If **[**[F4]DBS**]** —

(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.**]**

Textual Amendments

F2 Sch. 1 para. 2(2) substituted for Sch. 1 para. 2(2)(3) (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **65** (with Pt. 4)

F3 Sch. 1 para. 2(2)-(8) substituted for Sch. 1 para. 2(2)-(4) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 4(2)**; 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)**)

F4 Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(i)** (with Pt. 4)

Commencement Information

I2 Sch. 1 para. 2 wholly in operation; Sch. 1 para. 2 not in operation at date of making see art. 1(3); Sch. 1 para. 2(1) in operation for certain purposes at 14.3.2008 by S.R. 2008/127, **art. 3(e)**; Sch. 1 para. 2 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 2 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

Behaviour

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

(a) it appears to **[**[F4]DBS**]** that the person **[**[F5]—

(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,**]**, and

(b) **[**[F4]DBS**]** proposes to include him in the children's barred list.

(2) **[**[F4]DBS**]** must give the person the opportunity to make representations as to why he should not be included in the children's barred list.

(3) **[**[F4]DBS**]** must include the person in the children's barred list if—

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

[[F6](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

(b) it **[**[F7]is satisfied**]** 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.

Textual Amendments

F4 Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(i)** (with Pt. 4)

F5 Words in Sch. 1 para. 3(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 4(3)(a)**; 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))

F6 Sch. 1 para. 3(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 4(3)(b)**; 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))

F7 Words in Sch. 1 para. 3(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 4(3)(c)**; 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))

Modifications etc. (not altering text)

C1 Sch. 1 para. 3(4) modified (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 22(1)**

Commencement Information

I3 Sch. 1 para. 3 wholly in operation; Sch. 1 para. 3 not in operation at date of making see art. 1(3); Sch. 1 para. 3 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 3 in operati9on at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

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 **[**[F4]DBS**]** that the conduct is inappropriate;

(e) conduct of a sexual nature involving a child, if it appears to **[**[F4]DBS**]** 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), **[**[F4]DBS**]** must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F4 Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(i)** (with Pt. 4)

Commencement Information

I4 Sch. 1 para. 4 wholly in operation; Sch. 1 para. 4 not in operation at date of making see art. 1(3); Sch. 1 para. 4 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 4(1)-(4) and (6) in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**; Sch. 1 para. 4(5) in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

Risk of harm

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

(a) it appears to **[**[F4]DBS**]** that the person **[**[F8]—

(i) falls within sub-paragraph (4), and

(ii) is or has been, or might in future be, engaged in regulated activity relating to children,**]**, and

(b) **[**[F4]DBS**]** proposes to include him in the children's barred list.

(2) **[**[F4]DBS**]** must give the person the opportunity to make representations as to why he should not be included in the children's barred list.

(3) **[**[F4]DBS**]** must include the person in the children's barred list if—

(a) it is satisfied that the person falls within sub-paragraph (4)

[[F9](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

(b) it **[**[F10]is satisfied**]** that it is appropriate to include the person in the list.

(4) A person falls within this sub-paragraph if he may—

(a) harm a child,

(b) cause a child to be harmed,

(c) put a child at risk of harm,

(d) attempt to harm a child, or

(e) incite another to harm a child.

Textual Amendments

F4 Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(i)** (with Pt. 4)

F8 Words in Sch. 1 para. 5(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 4(4)(a)**; 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))

F9 Sch. 1 para. 5(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 4(4)(b)**; 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))

F10 Words in Sch. 1 para. 5(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 7 para. 4(4)(c)**; 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))

Commencement Information

I5 Sch. 1 para. 5 wholly in operation; Sch. 1 para. 5 not in operation at date of making see art. 1(3); Sch. 1 para. 5 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 5 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

Restriction on inclusion

6.—(1) **[**[F11]DBS**]** must not include a person in the children's barred list—

(a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or

(b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.

(2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of **[**[F11]DBS**]**.

(3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

Textual Amendments

F11 Word in Sch. 1 para. 6 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(iii)** (with Pt. 4)

Commencement Information

I6 Sch. 1 para. 6 wholly in operation; Sch. 1 para. 6 not in operation at date of making see art. 1(3); Sch. 1 para. 6 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 6(1)(b)(2)(3) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 5(n)**; Sch. 1 para. 6 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

Changes to legislation:
The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, PART I is up to date with all changes known to be in force on or before 21 June 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.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 5A inserted by 2012 c. 9 Sch. 7 para. 11(1)
- Sch. 1 para. 11A inserted by 2012 c. 9 Sch. 7 para. 11(3)
- art. 32A32B substituted for art. 32-34 by 2012 c. 9 Sch. 7 para. 9(1)
- art. 35(3A)-(3D) inserted by 2012 c. 9 Sch. 7 para. 9(2)(c)
- art. 36ZA inserted by 2012 c. 9 Sch. 7 para. 10
- art. 50(2A) inserted by 2012 c. 9 Sch. 7 para. 13(3)(c)
- art. 50(5)(b) and word inserted by 2012 c. 9 Sch. 7 para. 13(3)(f)
- art. 51(2A) inserted by 2012 c. 9 Sch. 7 para. 13(4)(c)
- art. 51(5)(b) and word inserted by 2012 c. 9 Sch. 7 para. 13(4)(f)