
Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Supervisory authorities is up to date with all changes known to be in force on or before 24 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. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

SAFEGUARDING OF VULNERABLE GROUPS: NORTHERN IRELAND

Supervisory authorities

- 13 (1) In Article 47 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (duty of supervisory authorities 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) in paragraph (5) omit “prescribed”,
 - (d) omit paragraph (6), and
 - (e) in the heading for “duty” substitute “ power ”.
- (2) In Article 49 of that Order (supervisory authorities: power to apply for vetting information)—
- (a) in the heading for “vetting” substitute “ certain barring ”,
 - (b) in paragraph (1) for “the Secretary of State”, in both places where it occurs, substitute “ ISA ”,
 - (c) in paragraph (2) omit sub-paragraphs (b) to (e),
 - (d) in paragraph (3) omit sub-paragraphs (b) to (e),
 - (e) omit paragraph (5), and
 - (f) in paragraph (7) for “prescribe” substitute “ determine ”.
- (3) In Article 50 of that Order (supervisory authorities: notification of barring etc. in respect of children)—
- (a) in paragraph (1)—
 - (i) for “This Article” substitute “ Paragraph (2) ”,
 - (ii) in sub-paragraph (a) omit “newly”,
 - (iii) at the end of sub-paragraph (a) insert “ or ”,
 - (iv) in sub-paragraph (b) for “becomes” substitute “ is ”, and
 - (v) omit sub-paragraph (c) and the word “or” before it,
 - (b) in paragraph (2) for “ , (b) or (c)” substitute “ or (b) ”,
 - (c) after paragraph (2) insert—

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- “(2A) The duty in paragraph (2) does not apply in relation to an interested supervisory authority if the Secretary of State is satisfied that the authority already has the information concerned.”,
- (d) in paragraph (3)(a) for the words from “if” to “occurs” substitute “ of any circumstance mentioned in paragraph (1) ”,
- (e) in paragraph (5)—
- (i) after “withdrawn if” insert “—
(a)”,
and
- (ii) for the words from “if”, where it appears for the second time, to “occurs” substitute “ of any circumstance mentioned in paragraph (1) ”,
- (f) also in paragraph (5), at the end, insert “, or
- (b) the Secretary of State cancels the application on either of the following grounds—
- (i) that the supervisory authority 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 supervisory authority still wishes to be notified of any circumstance mentioned in paragraph (1) in relation to the person, or
- (ii) that the notification is not required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).”, and
- (g) in paragraph (8) for “prescribe” substitute “ determine ”.
- (4) In Article 51 of that Order (supervisory authorities: notification of barring etc. in respect of vulnerable adults)—
- (a) in paragraph (1)—
- (i) for “This Article” substitute “ Paragraph (2) ”,
- (ii) in sub-paragraph (a) omit “newly”,
- (iii) at the end of sub-paragraph (a) insert “ or ”,
- (iv) in sub-paragraph (b) for “becomes” substitute “ is ”, and
- (v) omit sub-paragraph (c) and the word “or” before it,
- (b) in paragraph (2) for “, (b) or (c)” substitute “ or (b) ”,
- (c) after paragraph (2) insert—
- “(2A) The duty in paragraph (2) does not apply in relation to an interested supervisory authority if the Secretary of State is satisfied that the authority already has the information concerned.”,
- (d) in paragraph (3)(a) for the words from “if” to “occurs” substitute “ of any circumstance mentioned in paragraph (1) ”,
- (e) in paragraph (5)—
- (i) after “withdrawn if” insert “—
(a)”,
and

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- (ii) for the words from “if”, where it appears for the second time, to “occurs” substitute “ of any circumstance mentioned in paragraph (1) ”,
- (f) also in paragraph (5), at the end, insert “, or
 - (b) the Secretary of State cancels the application on either of the following grounds—
 - (i) that the supervisory authority 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 supervisory authority still wishes to be notified of any circumstance mentioned in paragraph (1) in relation to the person, or
 - (ii) that the notification is not required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).”, and
 - (g) in paragraph (8) for “prescribe” substitute “ determine ”.
- (5) In Article 52 of that Order (provision of information to supervisory authorities)—
 - (a) in paragraph (2) for “must” substitute “ may (whether on an application by the authority or otherwise) ”,
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (b), after “the authority” insert “ which is mentioned in Article 47(7) ”, and
 - (ii) for the words from “or information” to “occurred” substitute “ or of any circumstance mentioned in Article 50(1) or 51(1) ”, and
 - (c) after paragraph (3) insert—
 - “(4) A supervisory authority may apply to ISA under this Article only if the information is required in connection with the exercise of a function of the supervisory authority which is mentioned in Article 47(7).
 - (5) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article.”

Commencement Information

- II** Sch. 7 para. 13(1)(2)(3)(g)(4)(g)(5) 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)(vi)

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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](#)