
STATUTORY INSTRUMENTS

2003 No. 417

**The Protection of Children and Vulnerable
Adults (Northern Ireland) Order 2003**

PART III

PROTECTION OF VULNERABLE ADULTS

Effect of inclusion in list

Access to list

47.—(1) In relation to any time before the commencement of paragraphs (3) and (4), any person seeking to ascertain whether a relevant individual is included in the list kept under Article 35 shall be entitled to that information on making application for the purpose to the Department and paying any fee that is payable in connection with the application under regulations.

(2) For the purposes of paragraph (1) a relevant individual is—

- (a) an individual to whom the person proposes to offer employment in a care position;
- (b) an individual for whom the person proposes to find employment, or whom he proposes to supply for employment, in a care position; or
- (c) an individual of a prescribed description who does not fall within sub-paragraph (a) or (b).

(3) In section 113 of the Police Act 1997 after subsection (3EB) there shall be inserted—

“(3EC) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) within subsection (3ED) the criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003; and
- (b) if he is included in that list, such details of his inclusion as may be prescribed.

(3ED) A position is within this subsection if it is—

- (a) a care position within the meaning of Part III of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003; or
- (b) a position of such other description as may be prescribed.”.

(4) In section 115 of that Act after subsection (6EA) there shall be inserted—

“(6EB) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) within subsection (3ED) of section 113, the enhanced criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003; and
 - (b) if he is included in that list, such details of his inclusion as may be prescribed.”
- (5) In sections 119(1A) and 120A (3)(b) after “(3EA)” there shall be inserted “or (3EC)”.