
STATUTORY INSTRUMENTS

2007 No. 1351

**The Safeguarding Vulnerable Groups
(Northern Ireland) Order 2007**

Restrictions on participating in regulated activity

Regulated activity provider: failure to check

- 15.—(1) A regulated activity provider commits an offence if—
- (a) he permits an individual (B) to engage in regulated activity,
 - (b) B engages in the activity, and
 - (c) he fails to ascertain whether B is subject to monitoring in relation to the activity.
- (2) A regulated activity provider ascertains whether B is subject to monitoring only if—
- (a) he obtains an appropriate verification in accordance with Part I of Schedule 3 and neither of Parts II and III of that Schedule is prescribed in relation to him,
 - (b) he obtains an appropriate verification in accordance with Part II of that Schedule and that Part is prescribed in relation to him, or
 - (c) he obtains an appropriate verification in accordance with Part III of that Schedule and that Part is prescribed in relation to him.
- (3) A person does not commit an offence under paragraph (1) if the regulated activity—
- (a) is regulated activity relating to vulnerable adults, and
 - (b) falls within Article 20.
- (4) A person does not commit an offence under paragraph (1) if he falls within Article 21.
- (5) A person does not commit an offence under paragraph (1) if B has not attained the age of 16.
- (6) A person does not commit an offence under paragraph (1) if, in relation to any continuous period for which B is permitted to engage in the regulated activity—
- (a) the permission is first given before the commencement of this section, and
 - (b) it continues to have effect after such commencement.
- (7) Paragraph (6) does not apply in respect of permission which continues to have effect after such date as the Secretary of State specifies by order.
- (8) A person commits an offence if—
- (a) he provides written confirmation under Schedule 3 that is false in any material respect, and
 - (b) he either knows that it is false or is reckless as to whether it is false.
- (9) A person guilty of an offence under paragraph (1) or (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) In determining what is the appropriate sentence to pass in respect of a person who is convicted of an offence under this Article in a case where the regulated activity falls within paragraph 1(1) or (2) or 7(1) or (4) of Schedule 2 the court must consider the extent to which the offender had

regard to any guidance issued by the Secretary of State as to the circumstances in which an activity is carried out frequently.