
STATUTORY INSTRUMENTS

2007 No. 1351

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

Offences: supplementary

Offences: other persons

23.—(1) A person commits an offence if, in the course of acting or appearing to act on behalf of a regulated activity provider—

- (a) he permits an individual (B) to engage in a regulated activity in relation to which B is not subject to monitoring,
- (b) he knows or has reason to believe that B is not subject to monitoring in relation to that activity, and
- (c) B engages in the activity.

(2) A person commits an offence if, in the course of acting or appearing to act on behalf of a personnel supplier—

- (a) he supplies an individual (B) to another (P),
- (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and
- (c) he knows or has reason to believe that B is barred from the activity.

(3) A person commits an offence if, in the course of acting or appearing to act on behalf of a personnel supplier—

- (a) he supplies an individual (B) to another (P),
- (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity in relation to which B is not subject to monitoring, and
- (c) he knows or has reason to believe that B is not subject to monitoring in relation to the activity.

(4) A person guilty of an offence under paragraph (1) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) A person guilty of an offence under paragraph (2) is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.

(6) If the commission of an offence under Article 15 is due to the act or reckless default of a person who acts for or appears to act for the regulated activity provider—

- (a) that person is guilty of the offence, and
- (b) he may be proceeded against and punished whether or not proceedings are also taken against the regulated activity provider.

(7) In the application of paragraph (6) to a person who is in Crown employment (within the meaning of the [Employment Rights \(Northern Ireland\) Order 1996 \(NI 16\)](#)), Article 53(2) must be ignored.

(8) For the purpose of paragraphs (2)(b) and (3)(b), Schedule 2 is modified as follows—

- (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
- (b) in paragraph 7(1), the words “if it is carried out frequently by the same person or the period condition is satisfied” must be disregarded;
- (c) in paragraph 7(4), paragraph (a) must be disregarded.

(9) In determining what is the appropriate sentence to pass in respect of a person who is convicted of an offence under paragraph (1) 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.