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STATUTORY INSTRUMENTS

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**2007 No. 1351**

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

*Monitoring*

**Prohibition of requirement to produce certain records**

**31.**—(1) A person (P) must not, in connection with—

- (a) the recruitment of another person as an employee, or
- (b) the continued employment of another person,

require that other person or a third party to supply him with a relevant record.

(2) A person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public must not, as a condition of providing or offering to provide any goods, facilities or services to another person, require that other person or a third party to supply him with a relevant record.

(3) Paragraph (1) does not apply if the duties of the employee include activity of a kind mentioned in paragraph 2(1) or 7(1) of Schedule 2 and the activity is for, or for the benefit, of—

- (a) P himself;
- (b) a child, or vulnerable adult, who is a member of P's family;
- (c) a child, or vulnerable adult, who is a friend of P.

(4) “Family” and “friend” must be construed in accordance with Article 4.

(5) A person who contravenes paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) A relevant record is the record of information provided by the Secretary of State under Article 28(4).

(7) An employee is an individual who—

- (a) works under a contract of employment, as defined by Article 3(2) of the [Employment Rights \(Northern Ireland\) Order 1996 \(NI 16\)](#),
- (b) provides any service under a contract for services, or
- (c) holds any office,

whether or not he is entitled to remuneration; and “employment” must be construed accordingly.