
STATUTORY INSTRUMENTS

2007 No. 1351

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

Education and Library Boards and [F¹HSC Bodies]

Education and Library Boards and [F¹HSC Bodies]: duty to refer

41.—(1) An education and library board (“a board”) and an [F²HSC body] must provide [F³ISA] with any prescribed information it holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the board or [F⁴HSC body] thinks—

- (a) that paragraph 1, 2, 7 or 8 of Schedule 1 applies to the person,
- (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring after the commencement of this Article, or
- (c) that the harm test is satisfied.

(3) The harm test is that the person may—

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,
- (d) attempt to harm a child or vulnerable adult,
- (e) incite another to harm a child or vulnerable adult.

(4) The second condition is that the board or [F⁵HSC body] thinks—

- (a) that the person is engaged or may engage in regulated activity or controlled activity, and
- (b) (except in a case where paragraph 1, 2, 7 or 8 of Schedule 1 applies) that [F³ISA] may consider it appropriate for the person to be included in a barred list.

(5) A board or an [F⁶HSC body] may provide [F³ISA] with any prescribed information it holds relating to a person if—

- (a) the board or [F⁷HSC body] thinks that a person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring before the commencement of this Article, and
- (b) the condition in paragraph (4) is satisfied.

(6) For the purposes of paragraphs (2)(b) or (5)(a), conduct is inappropriate if it appears to the board or [F⁸HSC body] to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.

Status: Point in time view as at 12/11/2009.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Section 41 is up to date with all changes known to be in force on or before 22 August 2023. 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)

Textual Amendments

- F1** Words in Order substituted (12.10.2009) by virtue of [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009](#) (S.R. 2009/305), **art. 7(3)**
- F2** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009](#) (S.R. 2009/305), **art. 7(3)**
- F3** Words in Order substituted (12.11.2009) by [Policing and Crime Act 2009](#) (c. 26), **ss. 81(2)(3)(o)(i)**, 116(5)(a)
- F4** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009](#) (S.R. 2009/305), **art. 7(3)**
- F5** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009](#) (S.R. 2009/305), **art. 7(3)**
- F6** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009](#) (S.R. 2009/305), **art. 7(3)**
- F7** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009](#) (S.R. 2009/305), **art. 7(3)**
- F8** Words in Order substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009](#) (S.R. 2009/305), **art. 7(3)**

Commencement Information

- I1** [Art. 41](#) wholly in operation; [art. 41](#) not in operation at date of making see [art. 1\(3\)](#); [art. 41\(1\)\(5\)](#) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(1)**; [art. 41](#) in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

Status:

Point in time view as at 12/11/2009.

Changes to legislation:

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Section 41 is up to date with all changes known to be in force on or before 22 August 2023. 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.