

**Changes to legislation:** The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, PART II is up to date with all changes known to be in force on or before 20 April 2024. 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) View outstanding changes

## SCHEDULES

### SCHEDULE 1

#### BARRED LISTS

##### Modifications etc. (not altering text)

- C1** Sch. 1 modified (12.10.2009) by [Safeguarding Vulnerable Groups \(Regulated Activity, Transitional Provisions and Commencement No. 4\) Order \(Northern Ireland\) 2009 \(S.R. 2009/304\)](#), **art. 10** (with art. 5)
- C1** Sch. 1 modified (13.3.2009) by [Safeguarding Vulnerable Groups \(Transitory Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/38\)](#), **art. 6**
- C1** Sch. 1 revocation of earlier affecting provision S.R. 2009/304, arts. 5, 10 (10.9.2012) by [The Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order \(Northern Ireland\) 2012 \(S.R. 2012/320\)](#), arts. 1, **4**

## PART II

### ADULTS' BARRED LIST

#### *Automatic inclusion*

7.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[<sup>F1</sup>(2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the adults' barred list.]

##### Textual Amendments

- F1** Sch. 1 para. 7(2) substituted for Sch. 1 para. 7(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **66** (with Pt. 4)

##### Commencement Information

- I1** Sch. 1 para. 7 wholly in operation; Sch. 1 para. 7 not in operation at date of making see art. 1(3); Sch. 1 para. 7(1) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(e)**; Sch. 1 para. 7 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 7 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

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*Inclusion subject to consideration of representations*

8.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[<sup>F2</sup>(2) [<sup>F3</sup>Sub-paragraph (4) applies if it appears to DBS that—

- (a) this paragraph applies to a person, and
- (b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults.]

(4) [<sup>F4</sup>DBS] must give the person the opportunity to make representations as to why the person should not be included in the adults' barred list.

(5) Sub-paragraph (6) applies if—

- (a) the person does not make representations before the end of any time prescribed for the purpose, or
- (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).

(6) If [<sup>F4</sup>DBS] —

- (a) is satisfied that this paragraph applies to the person, and
- (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,

it must include the person in the list.

(7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.

(8) If [<sup>F4</sup>DBS] —

- (a) is satisfied that this paragraph applies to the person,
- (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults, and
- (c) is satisfied that it is appropriate to include the person in the adults' barred list,

it must include the person in the list.]

**Textual Amendments**

- F2** Sch. 1 para. 8(2)-(8) substituted for Sch. 1 para. 8(2)-(4) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 4\(6\)](#); S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F3** Sch. 1 para. 8(2) substituted for Sch. 1 para. 8(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 67 \(with Pt. 4\)](#)
- F4** Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 6\(f\)\(iv\) \(with Pt. 4\)](#)

**Commencement Information**

- I2** Sch. 1 para. 8 wholly in operation; Sch. 1 para. 8 not in operation at date of making see art. 1(3); Sch. 1 para. 8(1) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127, art. 3\(e\)](#); Sch. 1 para. 8 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); Sch. 1 para. 8 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(i\)](#)

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### Behaviour

- 9.—(1) This paragraph applies to a person if—
- (a) it appears to [F4DBS] that the person [F5—
    - (i) has (at any time) engaged in relevant conduct, and
    - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,], and
  - (b) [F4DBS] proposes to include him in the adults' barred list.
- (2) [F4DBS] must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) [F4DBS] must include the person in the adults' barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct
  - [F6(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,], and
  - (b) it [F7is satisfied ] that it is appropriate to include the person in the list.

#### Textual Amendments

- F4** Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(iv)** (with Pt. 4)
- F5** Words in Sch. 1 para. 9(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 7 para. 4(7)(a)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F6** Sch. 1 para. 9(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 7 para. 4(7)(b)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F7** Words in Sch. 1 para. 9(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 7 para. 4(7)(c)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

#### Commencement Information

- I3** Sch. 1 para. 9 wholly in operation; Sch. 1 para. 9 not in operation at date of making see art. 1(3); Sch. 1 para. 9 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 9 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

- 10.—(1) For the purposes of paragraph 9 relevant conduct is—
- (a) conduct which endangers a vulnerable adult or is likely to endanger a vulnerable adult;
  - (b) conduct which, if repeated against or in relation to a vulnerable adult, would endanger that adult or would be likely to endanger him;
  - (c) conduct involving sexual material relating to children (including possession of such material);
  - (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to [F4DBS] that the conduct is inappropriate;

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- (e) conduct of a sexual nature involving a vulnerable adult, if it appears to [F4DBS] that the conduct is inappropriate.
- (2) A person's conduct endangers a vulnerable adult if he—
  - (a) harms a vulnerable adult,
  - (b) causes a vulnerable adult to be harmed,
  - (c) puts a vulnerable adult at risk of harm,
  - (d) attempts to harm a vulnerable adult, or
  - (e) incites another to harm a vulnerable adult.
- (3) “Sexual material relating to children” means—
  - (a) indecent images of children, or
  - (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.
- (4) “Image” means an image produced by any means, whether of a real or imaginary subject.
- (5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.
- (6) For the purposes of sub-paragraph (1)(d) and (e), [F4DBS] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

#### Textual Amendments

**F4** Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(iv)** (with Pt. 4)

#### Commencement Information

**I4** Sch. 1 para. 10 wholly in operation; Sch. 1 para. 10 not in operation at date of making see art. 1(3); Sch. 1 para. 10 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 10(1)-(4) and (6) in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**; Sch. 1 para. 10(5) in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

### *Risk of harm*

- 11.**—(1) This paragraph applies to a person if—
- (a) it appears to [F4DBS] that the person [F8—
    - (i) falls within sub-paragraph (4), and
    - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,], and
  - (b) [F4DBS] proposes to include him in the adults' barred list.
- (2) [F4DBS] must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) [F4DBS] must include the person in the adults' barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4),
  - [F9(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,]and

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- (b) it [<sup>F10</sup>is satisfied] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
  - (a) harm a vulnerable adult,
  - (b) cause a vulnerable adult to be harmed,
  - (c) put a vulnerable adult at risk of harm,
  - (d) attempt to harm a vulnerable adult, or
  - (e) incite another to harm a vulnerable adult.

#### Textual Amendments

- F4** Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(iv)** (with Pt. 4)
- F8** Words in Sch. 1 para. 11(1)(a) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 7 para. 4(8)(a)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F9** Sch. 1 para. 11(3)(aa) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 7 para. 4(8)(b)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F10** Words in Sch. 1 para. 11(3)(b) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 7 para. 4(8)(c)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

#### Commencement Information

- I5** Sch. 1 para. 11 wholly in operation; Sch. 1 para. 11 not in operation at date of making see art. 1(3); Sch. 1 para. 11 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 11 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

#### *Restriction on inclusion*

- 12.—**(1) [<sup>F11</sup>DBS] must not include a person in the adults' barred list—
  - (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
  - (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of [<sup>F11</sup>DBS].
- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

#### Textual Amendments

- F11** Word in [Sch. 1 para. 12](#) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vi)** (with Pt. 4)

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#### **Commencement Information**

- 16** Sch. 1 para. 12 wholly in operation; Sch. 1 para. 12 not in operation at date of making see art. 1(3); Sch. 1 para. 12 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(a\)](#); Sch. 1 para. 12(1)(b)(2)(3) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), [art. 5\(n\)](#); Sch. 1 para. 12 in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), [art. 3](#), [Sch.](#)

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 5A inserted by [2012 c. 9 Sch. 7 para. 11\(1\)](#)
- Sch. 1 para. 11A inserted by [2012 c. 9 Sch. 7 para. 11\(3\)](#)
- art. 32A32B substituted for art. 32-34 by [2012 c. 9 Sch. 7 para. 9\(1\)](#)
- art. 35(3A)-(3D) inserted by [2012 c. 9 Sch. 7 para. 9\(2\)\(c\)](#)
- art. 36ZA inserted by [2012 c. 9 Sch. 7 para. 10](#)
- art. 50(2A) inserted by [2012 c. 9 Sch. 7 para. 13\(3\)\(c\)](#)
- art. 50(5)(b) and word inserted by [2012 c. 9 Sch. 7 para. 13\(3\)\(f\)](#)
- art. 51(2A) inserted by [2012 c. 9 Sch. 7 para. 13\(4\)\(c\)](#)
- art. 51(5)(b) and word inserted by [2012 c. 9 Sch. 7 para. 13\(4\)\(f\)](#)