

**Changes to legislation:** *The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Cross Heading: Information is up to date with all changes known to be in force on or before 17 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 III

### SUPPLEMENTARY

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

- C1 Sch. 1 Pt. III modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\)](#), **art. 3(5)**
- C1 Sch. 1 Pt. III modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\)](#), **art. 5(5)**

#### *Information*

19.—(1) [<sup>F1</sup>DBS] may require—

- (a) any person who holds records of convictions or cautions for the use of police forces generally to provide to it any relevant information relating to a person to whom any of paragraphs 1 to 5 or 7 to 11 applies [<sup>F2</sup>or appears to apply] ;
- (b) any person who holds such records to provide to it prescribed details of relevant matter (within the meaning of section 113A of the Police Act 1997 (c. 50)) relating to a person to whom any of those paragraphs [<sup>F3</sup>applies or appears to apply] ;
- (c) the [<sup>F4</sup>relevant chief officer] to provide to it any such relevant information;

<sup>F5</sup>(d) .....

(2) For the purposes of sub-paragraph (1)(a), relevant information relating to a person is information which the person holding the records [<sup>F6</sup>reasonably believes to] be relevant in relation to the regulated activity concerned.

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(3) For the purposes of sub-paragraph (1)(c), relevant information relating to a person is information which the [<sup>F7</sup>relevant ] chief officer [<sup>F6</sup>reasonably believes to] be relevant in relation to the regulated activity concerned.

(4) [<sup>F1</sup>DBS] must pay to the appropriate police authority such fee as the Secretary of State thinks appropriate for information provided to [<sup>F1</sup>DBS] in accordance with sub-paragraph (1)(c).

(5) For the purpose of deciding under this Schedule whether or not a person is included in a barred list [<sup>F1</sup>DBS] must not take account of relevant police information if the [<sup>F8</sup>relevant chief officer ] thinks that it would not be in the interests of the prevention or detection of crime to disclose the information to the person.

(6) In sub-paragraph (5) relevant police information is information <sup>F9</sup>...obtained by [<sup>F1</sup>DBS] in pursuance of subparagraph (1)(c) <sup>F10</sup>....

(7) In this paragraph—

“caution” has the same meaning as in section 126 of the Police Act 1997 (c. 50);

[<sup>F11</sup>“the relevant chief officer” means any chief officer of a police force who is identified by the Secretary of State for the purposes of this paragraph;]

[<sup>F12</sup>(7A) Subsections (10) and (11) of section 113B of the Police Act 1997 apply for the purposes of the definition of “the relevant chief officer” as they apply for the purposes of that section.]

(8) If [<sup>F1</sup>DBS] so requests, the Secretary of State must inform [<sup>F1</sup>DBS][<sup>F13</sup>who is the relevant chief officer] in relation to a person.

#### Textual Amendments

- F1** Word in Sch. 1 paras. 13-21 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)(vii)** (with Pt. 4)
- F2** Words in Sch. 1 para. 19(1)(a) 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. 7(1)(a)(i)**; S.I. 2012/2234, art. 2(z)(i)
- F3** Words in Sch. 1 para. 19(1)(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. 7(1)(a)(ii)**; S.I. 2012/2234, art. 2(z)(i)
- F4** Words in Sch. 1 para. 19(1)(c) substituted (2.11.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 5 para. 20(2)**; S.R. 2015/358, art. 2(m)(i)
- F5** Sch. 1 para. 19(1)(d) repealed (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. 7(1)(a)(iii)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i) (bb)
- F6** Words in Sch. 1 para. 19(2) (3) 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. 7(1)(b)**; S.I. 2012/2234, art. 2(z)(i)
- F7** Word in Sch. 1 para. 19(3) inserted (2.11.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 5 para. 20(3)**; S.R. 2015/358, art. 2(m)(i)
- F8** Words in Sch. 1 para. 19(5) substituted (2.11.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 5 para. 20(4)**; S.R. 2015/358, art. 2(m)(i)
- F9** Words in Sch. 1 para. 19(6) repealed (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. 7(1)(c)(i)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i) (bb)
- F10** Words in Sch. 1 para. 19(6) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by

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Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 7 para. 7(1)(c)(ii), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i) (bb)

- F11** Words in Sch. 1 para. 19(7) substituted (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 5 para. 20(5)**; S.R. 2015/358, art. 2(m)(i)
- F12** Sch. 1 para. 19(7A) inserted (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 5 para. 20(6)**; S.R. 2015/358, art. 2(m)(i)
- F13** Words in Sch. 1 para. 19(8) substituted (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 5 para. 20(7)**; S.R. 2015/358, art. 2(m)(i)

#### Commencement Information

- I1** Sch. 1 para. 19 wholly in operation; Sch. 1 para. 19 not in operation at date of making see art. 1(3); Sch. 1 para. 19 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 19(1)(b) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(v)**; Sch. 1 para. 19 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

**20.**—(1) The Department of Health, Social Services and Public Safety may provide to [F1DBS] any information relating to a person which is held by that Department in connection with its functions under Part II or III of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

(2) The Department of Education may provide to [F1DBS] any information relating to a person which is held by that Department in connection with its functions under Articles 70(2)(e)(iii) and 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).

<sup>F14</sup>(3) .....

#### Textual Amendments

- F1** Word in Sch. 1 paras. 13-21 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)(vii)** (with Pt. 4)
- F14** Sch. 1 para. 20(3) omitted (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **68** (with Pt. 4)

#### Commencement Information

- I2** Sch. 1 para. 20 wholly in operation; Sch. 1 para. 20 not in operation at date of making see art. 1(3); Sch. 1 para. 20 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 20 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

**21.** [F1DBS] must provide the Secretary of State with the prescribed information relating to a person if—

- (a) it includes that person in a barred list;
- (b) it is considering whether to include him in a barred list;
- (c) it thinks that any of the criteria prescribed for the purposes of paragraph 1, 2, 7 or 8 is satisfied in relation to him and that the Secretary of State does not already have the information.

#### Textual Amendments

- F1** Word in Sch. 1 paras. 13-21 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)(vii)** (with Pt. 4)

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#### Commencement Information

- I3** Sch. 1 para. 21 partly in operation; Sch. 1 para. 21 not in operation at date of making see art. 1(3); Sch. 1 para. 21 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(a\)](#); Sch. 1 para. 21 in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), [art. 4\(v\)](#); Sch. 1 para. 21(a) in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), [art. 3](#), [Sch.](#)

22. [<sup>F15</sup>DBS] must inform the Scottish Ministers if a person is included in a barred list.

#### Textual Amendments

- F15** Words in [Sch. 1 para. 22](#) 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), [49\(i\)](#) (with Pt. 4)

#### Commencement Information

- I4** Sch. 1 para. 22 wholly in operation; Sch. 1 para. 22 not in operation at date of making see art. 1(3); Sch. 1 para. 22 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(a\)](#); Sch. 1 para. 22 in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(i\)](#)

23. [<sup>F16</sup>DBS] may—

- (a) at the request of the Secretary of State provide him with such information relating to the exercise of its functions as [<sup>F16</sup>DBS] thinks may be relevant to the exercise by the Secretary of State of any of his functions;
- (b) at the request of a Northern Ireland department provide it with such information relating to the exercise of [<sup>F16</sup>DBS] 's functions as [<sup>F16</sup>DBS] thinks may be relevant to the exercise by that Department of any of its functions.

#### Textual Amendments

- F16** Word in [Sch. 1 para. 23](#) 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\(f\)\(viii\)](#) (with Pt. 4)

#### Commencement Information

- I5** Sch. 1 para. 23 wholly in operation; Sch. 1 para. 23 not in operation at date of making see art. 1(3); Sch. 1 para. 23 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(a\)](#); Sch. 1 para. 23 in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(i\)](#)

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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\(4\)\(f\)](#)