

Changes to legislation: *The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, SCHEDULE 6 is up to date with all changes known to be in force on or before 18 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 6

Article 59

TRANSITIONAL PROVISIONS

Advice by^{F1} DBS

Textual Amendments

- F1** Word in Sch. 6 para. 1 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(g)** (with Pt. 4)

1,—(1) [^{F1}DBS] must provide the Department of Health, Social Services and Public Safety with such advice as it requests in connection with any decision in relation to the inclusion of a person in a list kept under Article 3 or 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4).

(2) [^{F1}DBS] must provide the Department of Education with such advice as it requests in connection with any decision in relation to the inclusion of a person in a list kept for the purposes of Article 70(2)(e)(iii) or 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).

Existing restrictions relating to children

2.—(1) This paragraph applies to a person who is—

- (a) included in the list kept under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4) (individuals considered unsuitable to work with children);
- (b) disqualified from working with children by virtue of an order of the court under Article 23 or 24 of that Order;
- (c) included in the list kept under Article 70(2)(e)(iii) or 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3) (prohibition from teaching etc).

(2) The Secretary of State may, by order, make such provision as he thinks appropriate—

- (a) requiring [^{F2}DBS] to include the person in the children's barred list;
- (b) requiring [^{F2}DBS] to consider including the person in the children's barred list;
- (c) as to circumstances in which the person may make representations to [^{F2}DBS] and the time at which such representations may be made;
- (d) modifying the provisions of this Order so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
- (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 1 in connection with [^{F2}DBS]'s consideration of any matter relating to the person.

(3) An order under this paragraph may contain provision—

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- (a) enabling the General Teaching Council for Northern Ireland to make determinations on an application by a person who has ceased to be subject to a decision under Article 70(2)(e)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3) in relation to his eligibility for registration under Article 35 of the Education (Northern Ireland) Order 1998 (NI 13);
- (b) for the Secretary of State to prescribe by regulations the procedure in relation to an application as mentioned in paragraph (a).

Textual Amendments

- F2** Word in Sch. 6 para. 2(2) 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(g)** (with Pt. 4)

Commencement Information

- I1** Sch. 6 para. 2 wholly in operation at 14.4.2008; Sch. 6 para. 2 not in operation at date of making see art. 1(3); Sch. 6 para. 2 in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(d)**; Sch. 6 para. 2 wholly in operation at 14.4.2008 by [S.R. 2008/127](#), **art. 4(o)**

Existing restrictions relating to vulnerable adults

3.—(1) This paragraph applies to a person who is included in the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 14) (individuals considered unsuitable to work with certain adults).

- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
 - (a) requiring [^{F3}DBS] to include the person in the adults' barred list;
 - (b) requiring [^{F3}DBS] to consider including the person in the adults' barred list;
 - (c) as to circumstances in which the person may make representations to [^{F3}DBS] and the time at which such representations may be made;
 - (d) modifying the provisions of this Order so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 1 in connection with [^{F3}DBS]'s consideration of any matter relating to the person.

Textual Amendments

- F3** Word in Sch. 6 para. 3(2) 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(g)** (with Pt. 4)

Commencement Information

- I2** Sch. 6 para. 3 wholly in operation at 14.4.2008; Sch. 6 para. 3 not in operation at date of making see art. 1(3); Sch. 6 para. 3 in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(d)**; Sch. 6 para. 3 wholly in operation at 14.4.2008 by [S.R. 2008/127](#), **art. 4(o)**

Existing restrictions: supplementary

- 4.** An order under paragraph 2 or 3 may—
 - (a) modify any criminal offence created by this Order;
 - (b) create any new criminal offence,

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but the penalty for an offence created by virtue of this paragraph must not exceed level 5 on the standard scale.

Commencement Information

- I3** Sch. 6 para. 4 wholly in operation at 14.4.2008; Sch. 6 para. 4 not in operation at date of making see art. 1(3); Sch. 6 para. 4 in operation for certain purposes at 14.3.2008 by S.R. 2008/127, art. 3(d); Sch. 6 para. 4 wholly in operation at 14.4.2008 by S.R. 2008/127, art. 4(o)

F4

Textual Amendments

- F4** Sch. 6 para. 5 and preceding cross-heading 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. 9 para. 103, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2(aa) (v) (bb)

F4 5.

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